each agency, available to all, would be very helpful to people interested in our progress.

With the very obvious competition for appropriations, I again would like to stress the importance of each agency concentrating on its own area of responsibility, thereby minimizing duplication of effort and maximizing the opportunity for simultaneous action and progress. This will be an accelerated Public Works program at its best. We on our committee are pushing this concept.

I believe your Association should support Bureau projects where there is clear evidence that cheap agricultural water is needed; Corps of Engineers projects when the principle purpose is flood control and water supply; projects of the State of California, perhaps in cooperation with the Corps or the Bureau of Reclamation, providing those projects give suitable local benefits to the project area and make local water supply available.

It becomes increasingly obvious, we must take further steps to become a part of the overall planning process. The time for thinking in terms of Regional Planning is now. The overall impact on lands located in some of the project areas will require our attention. Land Use Planning must be brought up to date to coincide with the Regional water plans.

The people and the communities of our area will be looking for more specific answers to their questions—when, where and how? When will the project get started, where will it be located and how much will it cost or how much can I expect to benefit from this start. The Bureau of Reclamation has advised me of their progress in developing concepts of future agricultural crop patterns as influenced by ample irrigation water on a regionwide basis.

As I've stated before, we will become increasingly dependent upon you for guidance and direction, so that we are advancing the projects in keeping with the water policy objectives of you and the people you represent.

We must, at the earliest possible date start translating some of these studies and plans with a positive program of action. We can and must see concrete results. Part of this is happening. Needless to say, it is thrilling to see the "dirt fly" on the Redwood Creek project, we have provided the funds for the start on Corte Madera Creek and we are asking for a construction start on Dry Creek. As I told the appropriations committee members, it is vital to keep these projects moving on schedule so as to prevent a future "logjam" in funding the construction starts.

As we seek all possible means of accelerating our projects, we might look back on the years prior to construction of the Oroville Dam. Every consultant proclaimed the Oroville project could not be justified until 1980. The Director of Water Resources, administratively, apparently with the backing of the Governor, went ahead with the project. The decision to proceed was made in September of 1960. This has been later referred to as the decision with "the proper mixture of engineering and guts".

A most significant fact occurred in later years—the project was completed to a point where it performed the flood control purpose—just one week before the 1964 flood hit.

The Director of Water Resources who made that decision was Harvey Banks.

As we discuss methods of accelerating these projects, I would like to touch briefly on a matter that has "bugged" me for a long time. Having traveled throughout the United States visiting areas hard hit by similar natural disasters, I concluded that one of the major problems facing the Congress was the "horse and buggy" criteria being used for benefit to cost ratio justification. I am thoroughly convinced that it does not recognize the total picture when considering the economic factors associated with disasters and flood protective works.

It has become increasingly clear that the State and the Bureau will not build the Middle Fork and English Ridge projects respectively unless they actually need the water in the Sacramento Valley and Southern California. On the other hand, the North Coast needs flood control at an early time. We are looking at two or three possible criteria changes that might embody the following principles to allow early project construction:

1. Payment, in addition to flood control allocation, for interest and principal on the allocation to water conservation, during the period of years before water is used, perhaps, with a maximum number of years specified. This payment could be non-reimbursable to the Federal Government in that when water is used, the using agency would only pick up payments to the end of the original period.

2. Payment by the Federal Government for principal and interest on conservation storage until water is used, with the payout period to begin at the time water is used and extend for the full period prescribed in present law.

3. Payment by the Federal Government for interest and principal on conservation allocation until water is used, with these payments by the Federal Government to be repaid by water users as a surcharge on future water rates.

In discussing criteria, there is another matter that is deserving of more attention—the consideration for aesthetics. The retention and enhancement of as much natural beauty as possible, during the construction stages of our various projects, would be serving the public interest and must be given a higher priority in the future. This is particularly true when flood control projects are built through the center of communities such as Napa and those along the Corte Madera Creek in Marin. Again, our committee will be looking for possible incremental additions in future criteria changes.

Some of these questions might be asked. How do you value flood control? Where two major catastrophes have occurred in the past ten years, what criteria should apply toward timing of the projects? It is very difficult to establish quantitative criteria without providing proper value judgment on the magnitude of the risk. Who knows when the 100 year or 1,000 year storm is going to come? We do know, from the experiences of the last three years alone, that the frequency of the storms and floods are on the increase, nationwide. I can speak with authority because I've been to these areas.

In addition to the flood recovery and rehabilitation costs, the one question that keeps coming to my mind is the lack of adequate consideration for increased values in land and improvements, that can be anticipated, immediately following the competition of a flood control or reclamation facility. This has occurred in every part of the country where similar projects are now in place. I am convinced we can safely expect this trend to continue.

With this in mind I have asked for answers to these questions from our committee and staff, obviously seeking improvements to our established criteria, techniques and methodology for economic evaluation. We are asking for a similar review by the Bureau of the Budget. In the coming months, I will be pursuing this objective to the maximum—if you agree with me, I hope you join in presenting the point of view and suggestions of your organization.

Again, the results of these evaluations should prove helpful as we emphasize the concept of accelerated development of the northcoast waters as an interim solution to the Colorado River problem.

In closing, as some of you know, I just returned from the World Forestry Congress in Spain. While our principal mission was to observe the progress of improved forestry in other sections of the world, I also asked our friends in Spain about their progress in water resource development. Immediately, they proudly responded by advising that they have already developed 80% of their hydrological potential. Gentlemen, this is a country that is supposed to be substantially behind us in technology and engineering. I only wish we had 80% of the North Coasts' hydrological potential already developed.

In attending this world conference, one could not help but feel that the eyes of the world are upon us—constantly seeking ideas and information from a diversified, viable and wealthy country, recognized as a world leader. The world is craving for our leadership. The image we create and the example we set is now in the making. In the eyes of the world, our International purpose will be judged by our domestic performance. Somehow, I get the feeling we can and must do more in accelerating water resource development—can any red-blooded American refuse to accept this challenge?

I stand ready to cooperate with you in every way possible. Thank you for the privilege of speaking to this very distinguished group of water experts.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 2, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is Spirit: and they that worship Him must worship Him in spirit and in truth.—John 4:24.

O God of truth and love, without whom our world drifts into the valley of darkness and despair, let the light of Thy spirit glow within us as we worship Thee this moment. Deliver us from greed and bitterness, from misunderstanding and ill will—which are the seeds of contention and confusion. By the might of Thy presence and by the strength of Thy spirit in our hearts make us one in Thee. With this oneness may we launch out into an adventurous cooperation among men which shall be a pattern of life for our own Nation and for all the nations of the world.

Underneath all differences of race or color or creed help us to see human life struggling to be free and to find satisfaction on higher levels of daily life. We believe Thou art showing us the way in Thy word—help us to walk in it to the glory of Thy name and for the good of our fellow man, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the

House is requested, bills of the House of the following titles:

H.R. 7327. An act to repeal section 7043 of title 10, United States Code; and

H.R. 14875. An act to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes.

CONGRESS SHOULD LAY ASIDE CIVIL RIGHTS AND MOVE AGAINST AIRLINES STRIKE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, rejection by airlines workers of the strike settlement agreement, as reached and recommended by their leaders and management, and approved by the President, is intolerable.

Their irresponsible conduct imperils the commerce and economy of this country. Airline terminals are crowded with would-be passengers vainly seeking space on nonstruck airlines. The wheels of business and industry are slowly grinding to a halt. The mail is slow and stacking up; the same for airfreight. Millions of dollars are being lost daily to say nothing of the inconvenience to the traveling public. A genuine emergency exists. It demands the immediate attention of the Congress—this week, yes, even today.

The Congress has been tolerant, Mr. Speaker—much too much so in my judgment. It has exercised restraint in the hope that a sense of responsibility among the workers would take hold and prevail.

We are piddling away our time on a piece of political legislation—so-called civil rights—while the Nation is on the verge of being economically paralyzed. We are also at war. In order to give our men in Vietnam the full backing to which they are entitled, it is essential that every scheduled flight of every airline be put in the air on time and without delay. It is reprehensible that we should tolerate anything like this when our men are dying for us every day in Vietnam.

I suggest, Mr. Speaker, that we lay the civil rights bill aside, today. If it must be considered there is yet time during this session. I also suggest, Mr. Speaker, that an appropriate emergency resolution—one that will put the planes back in the air immediately and for a definite period—be considered in this House, today.

And also, Mr. Speaker, I suggest and urge that the situation points up the fact that similar strikes in the future could and would completely paralyze this Nation.

Fortunately, Mr. Speaker, all of the lines are not being struck. Some planes are flying. But just think, Mr. Speaker, of the dilemma that this Nation would face if all lines were grounded by strike. And such is possible under present law. Therefore, Mr. Speaker, I also suggest that the administration come forward and cooperate with the Congress in enacting permanent legislation which will never allow the economy and health of the people of this Nation to be destroyed by an all-out strike against all airlines.

REPRESENTATIVE WALTER ROGERS OF TEXAS TO RETIRE FROM THE HOUSE OF REPRESENTATIVES

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I was surprised yesterday to read of the announcement of the retirement of one of the ranking Members of this House, who will decline nomination for reelection to this body.

Mr. Speaker, this announcement was a disappointment to me. The Member is the second ranking member of the Committee on Interstate and Foreign Commerce, the third ranking member of the Committee on Interior and Insular Affairs, and has served as subcommittee chairman during many, many long and arduous hours of deliberations during this 89th Congress.

Mr. Speaker, he has been especially considerate and helpful to me, and to many other newer Members. Therefore, I regret very much the announcement that Representative WALTER ROGERS, of Texas, will be retiring. He understood the Rocky Mountain States and their economic problems. He has been a friend of the State of Wyoming, a friend and expert on irrigation and reclamation. I convey to the gentleman from Texas the gratitude of the people of my State for his interest in their well-being and for his 16 years of public service to the people of America.

Mr. Speaker, the gentleman from Texas [Mr. ROGERS] will be missed in the Rocky Mountain States where he is very highly regarded. We wish him well in his new endeavors.

THE TRUTH ABOUT THE AIRLINES STRIKE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOLLAND. Mr. Speaker, with all the discussion, in and out of the Halls of Congress, on the airlines strike, I should like to call attention to several facts which I believe are not being given too much consideration, nor publicity.

To classify this strike as a national emergency is impossible, I think, when testimony before the Senate committee on the subject revealed that cargo shipped by air is only one-tenth of 1 percent of the total in this Nation; and the airlines are utilized by only 6½ percent of our people who travel.

I will admit the cessation of service of the five airlines has caused inconvenience—but that cannot be termed a "national emergency."

Another interesting fact is the amount of hourly wages now being paid the airline mechanics. These range from $3.25 to $3.52 per hour.

The mechanics who serve our buslines and those who service our garbage trucks receive from $4.50 to $4.75 per hour.

It seems to me the lives of those who patronize the airlines are just as important as those who ride the buses and those who collect our garbage.

Commonsense dictates that to secure and maintain skilled personnel, adequate wages must be paid.

The airlines have reported increased incomes and have received from 16 to 27.7 percent profit on their net income as percent of their capital. I am inclined to think they can afford to pay living wages.

Many people, Mr. Speaker, do not realize that these negotiations were started in August 1965—a year ago.

Any settlement that is made should—I think—be retroactive to the date negotiations started.

EXHIBIT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER. Mr. Speaker, I wish to announce that the National Aeronautics and Space Administration is sponsoring an exhibit on the "Challenge of Space" at the Arts and Industries Buildings at the Smithsonian Institution. This display is an extensive one and will be there from July 29 to September 5. It covers the activities of NASA with historical perspective and direction of the future, and I urge those of you who can to visit this exhibit.

THE UNIVERSITY OF TEXAS TRAGEDY

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, another American tragedy has occurred with the mass murder of innocent men and women, a bizarre event which shocked the Nation yesterday.

All details of this shocking episode are not in, but we do know that there are basic facts underlying the terrible shootings by a man equipped with a 6.1 millimeter rifle with a telescopic sight, a

.35 caliber rifle, a carbine, a 12-gage shotgun, a 357-magnum pistol, a 9-millimeter Luger, and another gun. The facts are that we do not have adequate local, State, and Federal laws to prevent criminals, psychopaths, and thrill-bent juveniles from buying, owning, and using firearms.

The rifle that killed President Kennedy is the most infamous of the firearms that have fallen into misguided hands because of the lack of preventive legislation on the books.

Mr. Speaker, I urge the appropriate committees in the House to begin hearings immediately on national firearms legislation and to report out a bill which will serve the general public and help to stop another occurrence like that which took place yesterday. I have written the House Ways and Means and Judiciary Committees, where firearm legislation is now pending, of my concern and interest in seeing that speedy and appropriate action take place.

DEFINITION OF "AT RANDOM"

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, yesterday, title I of the so-called Civil Rights Act of 1966 was approved in the Committee of the Whole House. In that title we find that jurors shall be selected "at random."

A few moments ago I was interested in looking at the Webster's Third International Unabridged Dictionary in the House Floor Library to find the definition of "random," and I think it characterizes title I of this bill. The dictionary says that "random" means "to run, get, or gather; haphazard course, chance progress, without definite aim, direction, rule, or method; with no specific goal or purpose in view; without restraint or attention at liberty."

So I think this definition from Webster's, as well as the one from the Oxford Universal Dictionary, characterizes this entire legislation.

Oxford Universal says, "to run fast, gallop; impetuosity, great speed, force, or violence, impetuous rush, a rapid headlong course."

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 2914) for the relief of Pedro Irizarry Guido.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO ADJUDICATE A CLAIM TO CERTAIN LAND IN MARENGO COUNTY, ALA.

The Clerk called the bill (H.R. 4841), to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

The Clerk called the bill (H.R. 4861) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover.

The SPEAKER. Is there objection to to the present consideration of the bill?

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMPENSATION FOR CANCELLATION OF GRAZING PERMITS

The Clerk called the bill (S. 1375) providing a method for determining the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them due to the cancellation of their grazing permits by the U.S. Air Force.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FRED E. STARR

The Clerk called the bill (S. 1068) for the relief of Fred E. Starr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GLENN D. HUMES

The Clerk called the bill (H.R. 1328) for the relief of Glenn D. Humes.

There being no objection, the Clerk read the bill, as follows:

H.R. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Glenn D. Humes (lieutenant, United States Navy, retired), of Altamonte Springs, Florida, is hereby relieved of liability to refund to the United States the sum of $5,504.95, representing the amount of compensation received by him in his employment as a temporary rural carrrier at the United States post office, Maitland, Florida, from October 29, 1960, to November 24, 1961, in violation of section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), prohibiting the holding of civilian offices by certain retired individuals. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Glenn D. Humes, an amount equal to the aggregrate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for refund of the amount specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$5,504.95" and insert "$5,706.71".

Page 2, lines 12 and 13, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. RAISLA STEIN AND HER TWO MINOR CHILDREN

The Clerk called the bill (H.R. 1945) for the relief of Mrs. Raisla Stein and her two minor children.

The SPEAKER. It there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ARLINE AND MAURICE LOADER

The Clerk called the bill (H.R. 2016) for the relief of Arline and Maurice Loader.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEMETRIOS KONSTANTINOS GEORGARAS (ALSO KNOWN AS JAMES K. GEORGARAS)

The Clerk called the bill (H.R. 2146) for the relif of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Th SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MRS. MELBA B. PERKINS

The Clerk called the bill (H.R. 3275) to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Mrs. Melba B. Perkins against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SOLOMON S. LEVADI

The Clerk called the bill (H.R. 3557), conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi.

There being no objection, the Clerk read the bill, as follows:

H.R. 3557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Solomon S. Levadi arising out of his service with the United States Armed Forces from the years 1942 to 1946.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JEAN A. QUAINTANCE

The Clerk called the bill (H.R. 4077) for the relief of Jean A. Quaintance.

There being no objection, the Clerk read the bill, as follows:

H.R. 4077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jean A. Quaintance of Tacoma, Washington, is hereby relieved of all liability for repayment to the United States of the sum of $3,275.09, representing the amount of overpayments of salary in the years 1958 through 1963, because of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Jean A. Quaintance an amount equal to the aggregate of the amounts paid by her, or withheld from sums otherwise due her, in complete or partial satisfaction of the liability to the United States referred to in section 1 of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$3,275.09" and insert "$3,255.94".

Page 1, line 7, strike "in the years 1958 through 1963" and insert "for the period August 7, 1958, to December 7, 1961, and September 10, 1962, through March 30, 1963,".

Page 2, line 7, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT L. MILLER AND MILDRED M. MILLER

The Clerk called the bill (H.R. 4457) for the relief of Robert L. Miller and Mildred M. Miller.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called the bill (H.R. 4582) for the relief of Branka Mardessich and Sonia S. Silvani.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS and Mr. TALCOTT objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ESTATES OF CERTAIN FORMER MEMBERS OF THE U.S. NAVY BAND

The Clerk called the bill (H.R. 5912) for the relief of the estates of certain former members of the U.S. Navy Band.

There being no objection, the Clerk read the bill, as follows:

H.R. 5912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 to each of the estates of the following named former members of the United States Navy Band:

William Frederick Albrecht;
Elmer Leroy Armiger;
Henry Bein;
Milton George Bergey;
Robert Lisle Clark;
Anthony Mathew D'Amico;
Albert John Desiderio, Junior;
Reyes Soto Gaglio, Junior;
Richard David Harl;
Gerald Richard Meier;
Raymond Hector Micallef;
James Alan Mohs;
Walter Michel Penland;
Earl Weston Richey;
Jerome Rosenthal;
Vincent Peter Tramontana;
Roger Bruce Wilklow;
Jefferson Bruce Young;

each sum to be paid as equitable relief in connection with the death of each such former member in the plane crash which occurred during a flight from Buenos Aires, Argentina, to Rio de Janeiro, Brazil, on February 25, 1960.

With the following committee amendments:

Page 1: Strike lines 3 through 7, and insert the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of each of the former members of the United States Navy Band named below, the sum of $25,000, representing the amount found by the United States Court of Claims (congressional numbered 11–60, decided December 11, 1964), pursuant to H. Res. 585, Eighty-sixth Congress, to be equitably due each such estate. The payment of such amount shall be in full settlement of all claims against the United States of the estates of the following named former members of the United States Navy Band:".

Page 2, line 18: After "February 25, 1960.", add the following:

"No part of the amount appropriated in this Act in excess of 20 percentum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF MAJ. JOHN W. ROY, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 6035) for the relief of the estate of Maj. John W. Roy, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 6035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the estate of the late Major John W. Roy (Army serial number O201008) is relieved of liability to the United States of all amounts erroneously paid to him as retired pay for the period from September 1, 1950, through October 31, 1958, through administrative error of the Department of the Army. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of the said late Major John W. Roy an amount equal to the aggregate of the amounts paid by him, his widow, or his estate, or withheld from sums otherwise due any of them, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. The widow of the said late Major John W. Roy is hereby granted all the rights, benefits, and privileges to which she would have been entitled had the said late Major John W. Roy been correctly retired by reason of age and completion of twenty years' service from the Army of the United States on August 31, 1950, pursuant to the provisions of title III of the Act of June 29, 1948 (62 Stat. 1087–1091).

With the following committee amendment:

On page 2, strike lines 17 through 24.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT A. HARWELL

The Clerk called the bill (H.R. 6039) for the relief of Robert A. Harwell.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GILMOUR C. MACDONALD, COLONEL, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 7546) for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN T. KNIGHT

The Clerk called the bill (H.R. 8694) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MR. AND MRS. HOWARD H. ADELBERGER

The Clerk called the bill (H.R. 8727) for the relief of Mr. and Mrs. Howard H. Adelberger.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INDIAN CLAIMS

The Clerk called the bill (H.R. 11312) relating to certain Indian claims.

There being no objection, the Clerk read the bill, as follows:

H.R. 11312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Court of Claims shall have jurisdiction to hear, determine, and render judgment on the Indian claims described in section 2. The plaintiffs in the case of Jessie Short, et al. against United States (United States Court of Claims, docket numbered 102–63) may institute suit upon such claims at any time within the one-year period which begins on the date of enactment of this Act. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in cases over which the Court of Claims has jurisdiction pursuant to section 1505 of title 28 of the United States Code.

SEC. 2. The claims referred to in the first section are the claims against the United States which were dismissed by the Court of Claims on April 24, 1964, in such case of Jessie Short, et al. against United States.

SEC. 3. In the suit brought under the first section of this Act, the court shall have the authority to notify the Hoopa Valley Tribe to appear as a party in such suit and assert its interest in the subject matter.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claims of any person described in Sec. 2 of this Act against the United States based upon that individual's right to share the income derived from resources of unallotted land within the Hoopa Valley Indian Reservation in California as defined by the Executive Order of October 16, 1891. No action taken by the court incident to the jurisdiction provided by this Act shall be taken as authority to require a refund by any person previously distributed income derived from resources of such Indian land, nor shall the decision of the court be interpreted as defining any liability on the part of any such persons.

"SEC. 2. Any person claiming a right to share income derived from resources of unallotted lands within the Hoopa Valley Indian Reservation referred to in Sec. 1 of this Act may assert his claim in the United States Court of Claims as provided in Sec. 1 of this Act, and such claims must be filed in that court within six months of the effective date of this Act."

AMENDMENT OFFERED BY MR. ASHMORE

Mr. ASHMORE. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ASHMORE: Page 2, line 19, strike "order of" and insert "orders of July 23, 1876 and".

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARL V. ELLIOTT

The Clerk called the bill (H.R. 12512) for the relief of Carl V. Elliott.

There being no objection, the Clerk read the bill, as follows:

H.R. 12512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carl V. Elliott of Brewster, Washington, is hereby relieved of liability to the United States in the amount of $1,498.07, the amount of an overpayment of his salary as an employee of the Post Office Department for the period November 1, 1949, to August 23, 1958, because of an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Carl V. Elliott an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD E. AUSEON

The Clerk called the bill (H.R. 13682) for the relief of Donald E. Auseon.

There being no objection, the Clerk read the bill, as follows:

H.R. 13682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald E. Auseon, of Canton, Ohio, is hereby relieved of liability to the United States in the amount of $831.46 representing an overpayment for overtime and night differential pay paid to him by the United States Post Office Department through administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald E. Auseon an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "overpayment" insert "between April 12, 1965, and August 27, 1965".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT A. IVINS

The Clerk called the bill (H.R. 13683) for the relief of Robert A. Ivins.

There being no objection, the Clerk read the bill, as follows:

H.R. 13683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert A. Ivins, of Canton, Ohio, is hereby relieved of liability to the United States in the amount of $1,192.98, representing an overpayment for overtime and night differential pay paid to him by the United States Post Office Department through administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert A. Ivins an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "overpayment", insert "between March 29, 1965, and August 27, 1965,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD G. BEAGLE, JR.

The Clerk called the bill (H.R. 13909) for the relief of Edward G. Beagle, Jr.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES J. ARNOLD

The Clerk called the bill (H.R. 13910) for the relief of Charles J. Arnold.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

VERNON M. NICHOLS

The Clerk called the bill (H.R. 14514) for the relief of Vernon M. Nichols.

There being no objection, the Clerk read the bill, as follows:

H.R. 14514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to settle the claim of Vernon M. Nichols, 8208 Valewood Court, Orangevale, California, for salary covering the period April 13, 1965, to June 12, 1965, inclusive, and for reimbursement of travel expenses from McCook, Nebraska, to Carmichael, California, incident to employment by the Bureau of Reclamation in the Job Corps program, and to allow in full and final settlement of the claim the sum of $1,752.36. Such amount shall be payable from the appropriation which otherwise would have been chargeable with the salary and travel expenses during the period in question. The Comptroller General of the United States is further authorized and directed to relieve Vernon M. Nichols from all liability to refund to the United States the sum of $65 expended in his behalf for airplane travel on April 12, 1965, from Denver, Colorado, to Sacramento, California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN R. McKINNEY

The Clerk called the bill (H.R. 14379) for the relief of John R. McKinney.

There being no objection, the Clerk read the bill, as follows:

H.R. 14379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. McKinney, of Sylvania, Georgia, the sum of $1,456.67. Such sum shall be in full settlement of all claims against the United States of the said John R. McKinney for amounts to which he was entitled as a holder of the Medal of Honor under the provisions of sections 560–562 of title 38, United States Code, for the period from October 13, 1964, to December 30, 1965 (both dates inclusive), but which the Administrator of Veterans' Affairs is unable to pay because of failure to receive a timely application therefor. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPINA RESTIVO

The Clerk called the bill (H.R. 3671) for the relief of Giuseppina Restivo.

There being no objection, the Clerk read the bill as follows:

H.R. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Giuseppina Restivo may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John B. Bellizia, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Josephine Ann Bellizia may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. John J. Bellizia, citi-204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Josephine Ann Bellizia."

A motion to reconsider was laid on the table.

MISS ZOFIA SUCHECKA

The Clerk called the bill (H.R. 7671) for the relief of Miss Zofia Suchecka.

There being no objection, the Clerk read the bill, as follows:

H.R. 7671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Miss Zofia Suchecka shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Sophia Soliwoda may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Stanley F. Soliwoda, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sophia Soliwoda."

A motion to reconsider was laid on the table.

KIMBERLY ANN YANG

The Clerk called the bill (H.R. 10656) for the relief of Kimberly Ann Yang.

There being no objection, the Clerk read the bill, as follows:

H.R. 10656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kimberly Ann Yang may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in her behalf by Hattie Yang, a citizen of the United States, may be approved pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, lines 4 and 5, strike out the language "an eligible orphan" and substitute in lieu thereof "a child".

On page 1, strike out all of line 8 and 9 and substitute in lieu thereof the following: "section 204 of the Act.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA ANNA PIOTROWSKI

The Clerk called the bill (H.R. 11347) for the relief of Maria Anna Piotrowski, formerly Czeslawa Marek.

There being no objection, the Clerk read the bill, as follows:

H.R. 11347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immig ation and Nationality Act, Maria Anna Piotrowski, formerly Czeslawa Marek, may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Chester and Eugenia Piotrowski, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, line 5, strike out the words "an eligible orphan" and substitute in lieu thereof the words "a child".

On page 1, line 8, after the words "pursuant to" strike out the remainder of the bill and insert in lieu thereof the following "section 204 of the Act.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA GUISEPPINA INNALFO FEOLE

The Clerk called the bill (H.R. 11844) for the relief of Maria Guiseppina Innalfo Feole.

There being no objection, the Clerk read the bill, as follows:

H.R. 11844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Guiseppina Innalfo Feole may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Joseph Feole, a citizen of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Maria Giuseppina Innalfo Feole may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Joseph Feole, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Maria Giuseppina Innalfo Feole."

A motion to reconsider was laid on the table.

DELMA S. POZAS

The Clerk called the bill (S. 146) for the relief of Delma S. Pozas.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GEORGES FRAISE

The Clerk called the bill (S. 196) for the relief of Georges Fraise.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHUNG K. WON

The Clerk called the bill (S. 642) for the relief of Chung K. Won.

There being no objection, the Clerk read the bill, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Chung K. Won shall be held and considered to be the minor natural-born alien child of Mr. Won Wing, a citizen of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Chung K. Won shall be held and considered to be the natural-born alien son of Mr. Won Wing, a citizen of the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DEPORTATION

The Clerk called the resolution (S. Con. Res. 99) favoring the suspension of deportation of certain aliens.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LI TSU (NAKO) CHEN

The Clerk called the bill (H.R. 6606) for the relief of Li Tsu (Nako) Chen.

There being no objection, the Clerk read the bill, as follows:

H.R. 6606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Li Tsu (Nako) Chen may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Roy H. McAndrew, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Li Tsu (Nako) Chen shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Roy H. McAndrew, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KAZIMIERZ (CASIMER) KRZYKOWSKI

The Clerk called the bill (H.R. 12950) for the relief of Kazimierz (Casimer) Krzykowski.

There being no objection, the Clerk read the bill, as follows:

H.R. 12950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Kazimierz (Casimer) Krzykowski may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DINESH KUMAR PODDAR

The Clerk called the bill (S. 2663) for the relief of Dinesh Kumar Poddar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LLOYD N. CAMPBELL

The Clerk called the bill (H.R. 2671) for the relief of Capt. Lloyd N. Campbell.

There being no objection, the Clerk read the bill, as follows:

H.R. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Lloyd N. Campbell (service number 42779A), United States Air Force, is relieved of liability to the United States in the amount of $4,601.48, representing overpayments of salary made to him as an Air Force officer during the period April 1951 to December 1961 as a result of administrative errors. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Lloyd N. Campbell an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3: Strike "Captain" and insert "Major".

Page 1, line 5: Strike "$4,601.48" and insert "$2,666.09".

Page 2, line 3: Strike "Captain" and insert "Major".

Page 2, line 9: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Major Lloyd N. Campbell."

A motion to reconsider was laid on the table.

MISS ELISABETH VON OBERNDORFF

The Clerk called the bill (H.R. 3901) for the relief of Miss Elisabeth von Oberndorff.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TO CONVEY LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 426, the bill (H.R. 4861) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to W. F. Stover, Denver, Colorado, all right, title, and interest of the United States in and to a tract of land in the Grand Island Mining District, Boulder County, Colorado, more particularly described as follows:

Beginning at corner numbered 1 of the Climax Mill site claim (United States Mineral Survey Numbered 13874) in sections 21 and 22, township 1 south, range 73 west, sixth principal meridian, Boulder County, Colorado, thence south 51 degrees 43 minutes east 190 feet to a point; thence south 48 degrees 23 minutes east 85 feet to the true point of beginning; thence south 48 degrees 23 minutes east 252.26 feet to a point; thence in a northeasterly direction 20 feet more or less to a point; thence north 51 degrees 43 minutes west 252 feet to a point thence in a southwesterly direction to the true point of beginning.

SEC. 2. The conveyance authorized by this Act shall be made upon payment of the fair market value of the land as of the effective date of this Act as determined by the Secretary of the Interior plus such sum as may be fixed by the Secretary to reimburse the United States for the administrative costs of the conveyance.

With the following committee amendment:

Page 1, line 8, strike out everything through page 2, line 8, and insert the following:

"Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

"thence north 48 degrees 23 minutes west, along line 5–6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5–6 Mineral Survey Numbered 12354, Happy Valley Placer;

"thence south 51 degrees 43 minutes east, along line 5–6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

"thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ABDUL WOHABE

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10220) entitled "An Act for the relief of Abdul Wohabe," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That, for the purposes of the Immigration and Nationality Act, Abdul Wohabe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 8, 1963."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WAGGONNER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Ashley	Jones, Mo.	Resnick
Belcher	Karth	Rivers, Alaska
Blatnik	King, N.Y.	Rogers, Tex.
Clevenger	Landrum	Rooney, Pa.
Conable	Mackie	Roudebush
Edwards, La.	Mize	Shriver
Ellsworth	Morrison	Teague, Tex.
Evins, Tenn.	Murray	Toll
Farnum	Nedzi	Tuten
Hall	Powell	Vigorito
Ichord	Randall	Willis

The SPEAKER. On this rollcall 398 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS ACT OF 1966

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from North Carolina [Mr. WHITENER]. Without objection, the Clerk will again report the amendment of the gentleman from North Carolina.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 54, line 19, through page 57, line 19, strike out section 204.

The CHAIRMAN. Before the Committee rose yesterday the gentleman from North Carolina had been recognized for 5 minutes in support of his amendment and had consumed 3 minutes of his time.

The Chair recognizes the gentleman from North Carolina at this time for 2 minutes.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina [Mr. WHITENER] is recognized for 5 minutes.

Mr. WHITENER. Mr. Chairman and Members of the Committee, yesterday I was discussing my amendment which would strike section 204 of title II of the bill. I will again make a general statement about title II. As I said yesterday, I think this is the most destructive title in the bill. In this view I am not alone. Recently, in an address to the American Law Institute here in Washington the Chief Justice of the United States had this to say:

As evidence of the general interest in this subject there are no less than 31 bills now pending in the House of Representatives and 3 bills in the Senate affecting jury selection. Undoubtedly these proposals will be carefully scrutinized and studied by the committees of Congress and by the Judicial Conference of the United States and might well be the subject of a study also by the American Law Institute. Many of these suggestions made to the Congress at this particular time may be appropriate but in just surveying them generally it seems to me that some of them go a long ways and would very radically change the relationship between our Federal and State governments, and for that reason alone should receive the most careful consideration, and unless the bench and the bar and our learned societies such as this become thoroughly interested in the matter and debate the changes that are suggested, I'm apprehensive that some legislation might not go through and at the same time be ill advised.

Now, Mr. Chairman, that is what the Chief Justice of the United States had to say about this legislative venture in which the House of Representatives is now engaged.

Now, Mr. Chairman, what are some of the reasons that caused the Chief Justice probably to have serious doubt about these proposals? Well, it seems to me that the contention is that under the 14th amendment of the Constitution the Congress under the "appropriate legislation" section of the 14th amendment, has a right to legislate in this field.

But, Mr. Chairman, I would point out to my colleagues that it has always been considered that the 14th amendment is prohibitory, that it prevents the States doing certain things and in this field doing those things which result in discrimination in the selection of juries where race, color, national origin and previous condition of servitude are involved.

Mr. Chairman, I believe another point that probably concerns many of the thinkers on this subject is the fact that for the first time in the history of the country, apparently, a legislative attempt is being made to prescribe the qualifications of jurors in State juries by the Congress.

Mr. Chairman, I believe that if one would study the legislative history of our country, one would find that this is probably the first time that anyone has ever tried to assert that the "equal protection of laws" provision of the Constitution would warrant Federal intervention into the selection of State juries.

But, Mr. Chairman, then let us get to what section 204 of title II, if enacted, would do.

In the first place, it would, upon a showing of "probable cause" by a litigant at any time "before the introduction of evidence" place upon the States or the local jury commissioners the burden then of proving the negative, to wit: that there had been no discrimination.

Mr. Chairman, as I understand the cases in which the question of jury discrimination has come about, without exception, the burden of proof has been upon the one who says that he has been inconvenienced or mistreated through improper jury procedure to establish that fact by evidence in the courts, and the courts in the States and the courts in the Federal system have stricken down improper jury procedures, and properly so.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, may I say also that under this section which I would strike the so-called procedures for challenging the propriety of the jury are set up. But this is not a final decision, and many of the judges who have studied this and many of the students of law who have studied it, including an article that appeared in the Yale Law Journal, indicate that you could never get around to a determination of this issue, if you had a litigant who was willing

to keep on going to the various courts that are available to him.

So, Mr. Chairman, I believe in the absence of a final, binding determination, in other words, when the district court and the appellate courts of the Federal system have spoken, once, it ought to be binding as to that particular individual and that jury procedure.

Yet this bill does not do it.

I might point out further that under this section where it would require the States to come in and state how they went about selecting juries, it would require that evidence be given as to the race, religion, economic status and other factors in the selection of the jury. But yet in my State, very recently, in the very famous Mallory case—you probably remember the kidnapping case connected with civil rights, our State court struck down the jury panel in Union County, N.C., because the court said that on the jury slip there was a letter "C" which indicated that some of the jurors were members of the Negro race. Yet, my friends here who are always objecting to that sort of thing are setting up a procedure which would require that every jury commissioner put on record somewhere that a man was Catholic or a Jew or a Protestant; or that he was a Negro or a white man; or that he was a Spaniard or a German; or that he had $10,000 in the bank or he had nothing in the bank; or that he was on welfare or was not on welfare. Because under this provision in section 204, a rich man can object to a jury on the ground that there are no poor people on it even though that has nothing to do with the validity of the jury and his trial.

I think the amendment should be adopted.

Mr. RODINO. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, this amendment is one which must be opposed. It really strikes at the heart of this title. What we talk about in section 204 of title II is a discovery procedure. By the gentleman's amendment, we would delete this basic principle of the bill which is discovery and which would make it possible to facilitate the establishment of any discrimination which might exist in the jury selection system in the State.

Title II does not in anywise specify any detailed procedure for State jury officials to follow. Rather it merely provides that there be a system of discovery to examine the legality and fairness of the existing procedure that the State has already adopted.

Mr. Chairman, to adopt this amendment would be to gut a very significant and basic essential of this title.

For that reason, the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The question was taken; and on a division (demanded by Mr. WHITENER), there were—ayes 27, noes 48.

So the amendment was rejected.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting] One hundred and six Members are present, a quorum.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: On page 59, line 3, after "'State court' shall mean any court'" insert the words "of record".

Strike out all of lines 4 and 5.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. HUNGATE. Mr. Chairman, the purpose of my proposed amendment to section 206 is to provide that it shall apply to courts of record. As originally written, section 206(a) states that where the term "State court" is used, which you will find throughout this statute, it shall mean "any court of any State, county, parish, city, town, municipality, or other political subdivision of any State," which, I was informed by the committee, would include justices of the peace and perhaps coroners' juries.

The purpose of the amendment is to limit the language of the bill to courts of record which, as attorneys know, are those which customarily handle significant and important matters in a State. It seems that in the housing section we might be diluting our morality somewhat. I am suggesting that there might be dilution here in the interest of practicality.

I would like to show what the consequences would be of including small courts in the small cities, small towns and small political subdivisions, including justices of the peace. As the law is written, the consequence is whenever a claim of violation is filed under section 201, then the State or local officials are required to furnish a sworn, written statement of jury selection. The information must contain a detailed description of the following—and I hope you will picture some of your smaller courts that you have in your State, some of your small city courts and justices of the peace, keeping records of the following:

First, the nature and location of the sources from which names of potential jurors were obtained for inclusion in the jury wheel, box, or similar selection device;

Second, the methods and procedures followed in selecting names from such sources;

Third, the methods used for selecting names of prospective jurors from the wheel, box, or similar selection device for testing or otherwise demonstrating their qualifications for jury service;

Fourth, the qualifications, tests, standards, criteria, and procedures used in determining whether prospective jurors are qualified to serve as jurors; and

Fifth, the methods used for summoning persons for jury service and assigning them to grand and petit jury panels.

Section 205(a) requires State jury officials to act, and as that term is defined, that would include the smallest court you could think of, "to preserve all records prepared or obtained in the performance of their duties for 4 years after use." This would include, as it is defined, "lists, questionnaires, memorandums, correspondence, and other papers actually prepared by the jury officials and also any records or papers obtained by them for their use; for example, copies of voter lists, telephone books, city directories, and the like.

It seems to me that this provision would impose a heavy burden of record-keeping on your small courts, your so-called inferior or lower courts, and that the main thrust of the statute can be met if the provision is limited to courts of record.

If the American Bar Association, the Judicial Conference or the Judicial Council have expressed any opinion on this statute, I am unaware of it.

Mr. Chairman, my colleagues, I earnestly appreciate your support, without being overly solicitous of it, on this amendment, because we all have our own constituencies and our own consciences.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

As I understand, the amendment would amend the definition of a State court contained in title II. The gentleman from Missouri would provide that it must be a "court of record."

We have 50 different States. Many may have courts of record and many may not. By the amendment, the gentleman from Missouri would make the statute applicable in some States but it might not be applicable to others.

As an example, in my State, we are not required to have a court of record for the justice of the peace courts, and in certain counties, the courts are not courts of record. Yet these courts deal with the rights of an individual to be tried by jury. So the gentlemen is eliminating many courts from the definition of a State court in the bill.

The reason and the purpose for the definition of a State court is to cover all trials where an individual may be brought in and sentenced. The only way we can protect them is to see that title II applies to all of the State courts.

If we begin to have a hopscotch definition as applied in the various States, then we will not have uniformity of enactment. If this amendment were adopted, what we would have to do is to go to the State legislatures of the respective 50 States and determine in each instance whether those courts are courts of record, and then we are completely exempt. That is the real reason why the bill covers all the courts. If the States did take such action, as they have in many instances in the past to get around the enforcement of the 14th amendment, then they would be outside of title II. Therefore, the amendment should be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, is the gentleman seriously saying that any State would actually declare their courts not to be courts of record?

Mr. ROGERS of Colorado. Certainly.

Mr. DOWDY. Mr. Chairman, I did not expect any lawyer to get on the floor of this Congress and say that the courts of the States would wipe out their records. That is just unreasonable.

Mr. ROGERS of Colorado. Just a minute. I have the time. May I reply to the gentleman.

The gentleman will recognize that the State legislatures of the respective States have the right to determine what designation their courts shall have, how they will be set up, and whether they will be deemed courts of record.

Mr. DOWDY. I do not believe all the State legislatures are stupid as the gentleman indicates; they would not do this.

Mr. ROGERS of Colorado. That is exactly what could happen and has happened. That is the fallacy of the argument of the proponent of this amendment.

Mr. DOWDY. This is another strange misconstruction that has been indulged in argument by the proponents of this bill, kicking up sand to obscure the worthiness of logical and legitimate amendments.

Mr. ROGERS of Colorado. Why does the gentleman in this amendment not offer an amendment defining a court of record?

Mr. DOWDY. Will the gentleman define a court of record?

Mr. ROGERS of Colorado. I am not amending title II. But a court of record out my way is defined by the State legislature. They provide the method in which the record shall be kept. That is my definition of what a court of record may be. It is one that is described by the State legislature and the method by which the records may be kept is stated. They determine whether it is a court of record or not. That is what my definition is. What is the gentleman's definiton?

Mr. DOWDY. A court of record is a court that keeps records of its proceedings. The justice of the peace court does not, in Texas, keep records.

Mr. ROGERS of Colorado. In my State the judgment has to be signed.

Mr. DOWDY. Yes, the judgment, of course.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ASHMORE. Mr. Chairman, I rise in support of the amendment.

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and fourteen are present, a quorum.

The gentleman from South Carolina [Mr. ASHMORE] is recognized.

Mr. ASHMORE. Mr. Chairman and my colleagues, it is somewhat amazing how far lawyers, and others, will go sometimes in debate when they are grappling for something which does not exist. I just cannot quite understand my good friend from Colorado even suggesting that the various State legislatures in this country—whatever State it might be, or however many States he might have in mind—would pass legislation that would be tantamount to abolishing their courts of record.

In South Carolina we call these State courts, the court of general sessions, or common pleas. That is where people are tried for murder, where a person may bring a $1 million damage suit, where the largest cases and the most serious criminal offenses are tried. In other States, courts of that nature and of that character may be known as the supreme court, or perhaps the district court, or circuit court.

Can anyone conceive of any legislature going so far as to say, "We are going to do away with the records in a court of that kind"? Why, it is absurd—it is really absurd on its face—to think that any legislature in this country would commit such an act as that in order to prevent the records being viewed or reviewed at some later date by some Federal official, for instance the Attorney General. We just would not have any State courts if we did not keep the evidence and have the reporter's notes transcribed. What would a man do, if he wanted to appeal, if he were charged with and convicted of murder, if they did not have any records?

No lawyer in this room would believe that such a thing would happen. My good friend from Colorado shows the weakness and the fallacy of his argument when he even suggests such a thing.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The State of Mississippi and the State of Alabama and even the State of Virginia passed laws of prohibition in respect to the question of voting. If they have done it in the area of voting, may they not also do it with respect to jury service?

Mr. ASHMORE. Can the gentleman tell me when any State at any time in the history of this land has ever abolished or done away with its State courts and the operating procedures thereof? One instance? Tell me one instance. It has never happened.

Mr. ROGERS of Colorado. But the State legislature has the right to determine what is to be deemed to be a court of record.

Mr. ASHMORE. Oh, sure it has the right.

Mr. ROGERS of Colorado. If they are trying to wiggle out and away from the enforcement of this law, then they could alter the definition or designation of what courts are considered courts of record. The definition of a court of record is not uniform in every State throughout the Union.

Mr. ASHMORE. Do you mean to say that a legislature would have the nerve or the gall or the audacity to say a court of record is not a court of record, and do you think that the Supreme Court of the United States would uphold such a legislative act as that?

Mr. ROGERS of Colorado. Yes, I do.

Mr. ASHMORE. Then, you think less of the U.S. Supreme Court than I do, and that is going a long way, I would say to the gentleman from Colorado.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Missouri.

Mr. HUNGATE. It has been suggested that the States might eliminate courts of record. I do not know how you handle land titles where you have these cases and partition suits if you do not have courts of record. I do not know what some of us would do that deal in divorce matters if there were no courts of record. I do not know how the Habitual Criminal Act would be handled, although we may do away with it, but I do not know how you would handle cases under it if we did not have courts of record. Every court in the country will make these records, as we said, exhaustively and will keep them for 4 years after the trial is over. That is what you want to go back and explain.

Now, something has been said about the 14th amendment. That, I think, is what this all hinges upon. As I understand it, it is based on the fact that under the 14th amendment you can pass appropriate legislation. That may not be the strongest hinge in the world. Also, there is the fact that we must have uniformity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. ASHMORE] have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ASHMORE. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HUNGATE].

Mr. HUNGATE. I thank the gentleman.

Mr. Chairman, the suggestion has been made that without this we would not have uniformity. There was a time in this country when we had diversity and we believed the States might conduct separate experiments. There was some merit in it. In that way we might test theories that looked great on paper but did not work in practice. Now, I suggest uniformity is certainly a consideration, but it should not be the sole consideration.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Am I correct in assuming that State courts keep a record of divorces?

Mr. ASHMORE. Certainly they keep a record of divorces. They are required to under the law.

Mr. WAGGONNER. Then, we are treading on dangerous ground in this instance, because we have a member of the Supreme Court who might like to see those records destroyed.

Mr. ASHMORE. That is possible, I will say.

Mr. WAGGONNER. Nevertheless, I think in all wisdom we should support this amendment.

Mr. ASHMORE. I thank the gentleman from Louisiana.

It occurs to me, and it is evident to all, that the proponents of this bill are

trying to take over the operation of the entire jury system in the various States of this country when they get the idea that somebody maybe made a mistake in drawing a jury. Of course, we make mistakes. We make them everywhere. They make a few in Colorado. There is no question about that. However, you cannot afford to destroy the best jury system in the world simply because someone has made an error. All of these errors, if you give them a little time and give the people of these States and of this Nation the opportunity, will be corrected because of the force of public opinion and the sentiment of the people in this land to do what they know in their own hearts is right and proper and just.

And, Mr. Chairman, this very title when it was being considered by the committee, emotionally, under stress and strain, because it was based upon the fact that someone in Louisiana or Alabama or Mississippi was acquitted, when people who did not know the evidence and who were 1,000 miles away said "Oh, that man should have been convicted."

Well, Mr. Chairman, perhaps he should have been convicted.

Mr. Chairman, after serving as prosecuting attorney, or while serving as prosecuting attorney, for 20 years, I came to the conclusion that you cannot beat the decision of 12 jurors. You can try me any day and I will be satisfied with their verdict—the decision of 12 of my peers.

Mr. Chairman, I have seen the day—yes; when someone on the jury might have made a mistake. Perhaps the jury did not do exactly as I would have done, and I perhaps criticized that verdict, and as prosecutor said "What the devil does that jury mean?"

But, Mr. Chairman, I did not take off in an emotional outburst and say "Let us do away with it, and let us change the jury system, and let us turn it over to the Attorney General of the United States."

No, Mr. Chairman, I did not do that because I believe too much in the jury system of this land. I would simply pick up the next case and go ahead and try to convict him if I thought he were guilty.

Yes, Mr. Chairman, as I said a moment ago, while this very section and this entire bill was being considered in the subcommittee or in the full Judiciary Committee, 12 jurors in the State of Georgia convicted a man who had been released from a former trial, and a few days subsequent to that 12 jurors convicted another man in a similar case. These jurors showed how the people of Georgia stand when it comes to right and what is good and what is just in the courts of this land of ours.

Yes, Mr. Chairman, you cannot afford to destroy or turn over the jury system of this land to the Attorney General simply because some jury may have made a mistake.

Mr. Chairman, give the people of that State, that community, an opportunity to think and to consider in a calm, dispassionate manner, even more calmly than I am speaking now, and they will come out with the right result.

My friends, I believe that much in the honesty of the people of this land, whether they be south of the Mason-Dixon line or on the border of Canada. And I say to my friends who say "do away with this jury system," you will make the greatest mistake you have made in a century.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CRAMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do so for a number of reasons. First, I think the amendment is sound and, second, I believe it should be known that there is in any event a present existing right of any litigant to raise the question of the impropriety of a jury or discrimination in its formation under the present law.

In addition to that it would apply to all courts, not of record, under the gentleman's amendment.

So, Mr. Chairman, there is a remedy for those courts not of record. That remedy is provided for in 42 U.S.C. 1983, and under the Civil Rights Act of 1964.

Mr. Chairman, I am reading from the statements of the gentleman from New York [Mr. CELLER] in part 2 of the report at page 8:

> The Department of Justice is authorized to intervene in jury discrimination suits brought by private litigants as well under that same title.

So it gets in a record under the gentleman's amendment. There is an adequate relief on the part of the individual in the first instance, if he feels he is wronged and a request to intervene on the part of the Attorney General has an opportunity of righting the wrong.

The gentleman's amendment brings out, I think, a very important point in this debate relating to title II. I doubt that the Members of this House realize exactly which courts are included and to which the gentleman's amendment is directed. I doubt that the Members of this House realize that you are including in this title every single court in the land. There is not any question about it. Under the definition on page 59, a State court shall mean any court of any State—county, parish, city, down to the municipal or other political subdivisions of a State.

So you are talking about the coroner's jury—the coroner's jury, which, in my State, is a justice of the peace. This means that the justice of the peace will have to keep for 6 years records of every single voter registration—and in my State he revises this list every 2 years. He has to keep three full lists of registered voters, his basis for selecting the jury panel, the list of people he sent or mailed notices, and all the other requirements imposed under this legislation.

I just think that this is going too far.

How in the world is a justice of the peace going to stack his office with thousands and thousands of pages covering millions of registrants and keep them for 6 years? It just is not possible to do this. But in order to blanket everybody in, they include every single court in the land.

The gentleman's amendment makes sense. Of course, the proponents will not accept it. They have orders to accept no amendments of any consequence. That is why it will not be accepted. But I think it is important to indicate also in this title further what it does and why the amendment is meritorious because this title applies to any single act. For example, look on page 52, line 21:

> Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice—

Note "act or practice," not a pattern or practice. They are talking about bringing a suit against a local judge. They are talking about the Attorney General of the United States injecting himself into the judiciary. This is not a public official relating to school boards, this is the Attorney General of the United States injecting himself into the judiciary of the United States of America down to the city municipal level. That is going a long way. The gentleman's amendment makes sense. Any act by any coroner's judge in the selection of any coroner's jury, any single act could have this effect—now hear me well—can have this effect of striking down every single jury qualification in that State because one coroner's jury judge makes a mistake, wittingly or unwittingly. A coroner's judge can make a mistake relating to the selection of a juror and the entire law in the State of Florida could be stricken down as it relates to subjective qualifications for a juror.

I challenge anyone to deny that.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CRAMER. Yes, do you want to deny that?

Mr. Chairman, I yield to the gentleman.

Mr. ROGERS of Colorado. Yes, I will deny it. I will tell you, if you will read section 201——

Mr. CRAMER. I have read it many times.

Mr. ROGERS of Colorado. That is all we are trying to do to the State courts, is to assure that they will not discriminate on any grounds of race, color, religion, sex, national origin, or economic status—they shall not discriminate nor shall they exclude an individual because of these grounds.

Mr. CRAMER. The gentleman is confirming what I say. I refuse to yield any further. You are confirming what I say.

What is the remedy? The remedy is on page 53. It is there for everybody to read. If there is a finding in one single instance of discrimination by one coroner's judge in a coroner's case, this bill would strike down the entire statute of the State of Florida even though the specific test involved was not employed.

For instance, good moral character is a requirement for a person to serve on a jury. Even though the coroner's judge in that instance did not use discrimination relating to good moral character, every single test for a juror can be stricken down in the State of Florida if it is subjective and the court can substitute its own objective standard. This is what you are being asked to swallow. I say it is going too far. The gentleman from Missouri makes some sense in requesting

that the provision be limited to a court of record. That is the least we can do.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield further?

Mr. CRAMER. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Would the gentleman say that this provision would actually give to the Attorney General of the United States power over State laws, whatever State might be involved, regarding the selection of juries?

Mr. CRAMER. There is no question about it. One single act by one single individual, wittingly or unwittingly, and the Attorney General can bring an action to strike down the entire State statute relating to all standards, and I say that that is going too far.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

I would like to tell my good friend from Florida that I take orders from no one—not from the Attorney General, not from any policy committee, and not from any national board. I oppose this amendment, and I support this bill, because I feel very deeply that racial discrimination in any form in our society causes all of us a great deal of trouble.

Now, as to the specifics of this amendment. First, we are not requiring the States to keep any records that they do not otherwise now prepare. This section does not spell out what they have to do. It states only that whatever records they prepare they must keep it for 4 years. That is no burden. They do keep some records about jurors because they pay them.

Now we are led to believe that there is some kind of Federal takeover. First, the Government will never be involved if, when this law becomes effective, each of the States quit discriminating in the method in which they select their jurors as prescribed by the Federal law, and I would hope that most of them would stop.

There was some question about why we would question whether States might change their laws to avoid coming under this statute. I wonder how many people would have thought in 1954 that parts of the great Commonwealth of Virginia might stop having public education in their community so that they could avoid the ramifications of the school integration cases.

Now, as to the great concern about the fact that one act may be enough to bring the Attorney General into the picture, I would suggest to you that one conviction may lead to an execution, and that is a fairly important event to the principal person involved.

The Attorney General would be the one who would make any decision, for the Federal Government to bring an action. Under this act he would have authority to bring the action. It would be up to the Federal Court to decide what needed to be done, and that court order would have to be appropriate. To say that some inadvertent, inconsequential act on the part of one coroner's juror might lead to the setting aside of State law is absolutely absurd. No Federal judge is going to do that. That would not be appropriate.

I would call to your attention that however insignificant a court may seem to the gentleman who proposes the amendment or those who support it, conviction by that jury could put a man in jail. An adverse decision in a civil action could take from him his property. He is entitled to a jury that complies with the constitutional requirements.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. I would beg to differ with the gentleman as to his statement that all the so-called inferior courts have powers to inflict jail sentences. I think you are dealing only with courts that have civil jurisdiction.

Mr. CORMAN. I am speaking of courts that would jail him or take his property. If a defendant is given a jury trial under the law, that jury should be constitutionally constituted.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield further?

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. HUNGATE. The court would have to have the constitutional or statutory authority to impose a sentence of imprisonment. He would have to have that power. Many inferior courts lack that power.

Let me ask about the courts that have that power. Do I correctly understand the gentleman to say that there is no provision in the statute that states what records are to be kept? I read in section 204(a) that after a complaint is filed, "The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following," and then it goes on to describe the information.

Mr. CORMAN. That is the answer to the complaint; that is not the records he would keep when he is selecting a jury. When an action is brought against him, he is required to show how the jury was selected.

Mr. HUNGATE. Mr. Chairman, if the gentleman will yield further, if the official were unable to file those records, would he not be in violation of the law?

Mr. CORMAN. Normally a complaint necessitates an answer, and this statute would make that point explicit. If the State does not require these men to keep any records he may still be complying with the law if he is not discriminating. There must be some evidence establishing that there is some discrimination.

Mr. Chairman, I urge defeat of this amendment.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment. I do not know that I will take the 5 minutes that are given to me, but I wish to make a few remarks about some of the statements that have been made by the gentleman from California.

The gentleman mentioned that many of these courts could put a man in jail. We have a justice of the peace court in Texas that can try a man for criminal offenses, but they are offenses where there is not any power to send the man to jail. It is really a matter of a fine, a nominal fine. The justice of the peace keeps no records concerning his jury. If the man is convicted, he has the right to appeal to a court of record his conviction. That is an easy formality to bring about, and he is entitled to a trial de novo on such appeal.

Mr. CORMAN. May I inquire of the gentleman one question? Will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. In these courts in Texas, which cannot give a man 1 day in jail, do they have very many jury trials?

Mr. DOWDY. That depends on whether the defendant asks for it or not. If he pleads guilty, then he does not need a jury. That is the point.

In a criminal case, when the jury is demanded, they do not have a jury wheel or jury list. The justice turns to the constable and says, "Pick up a jury panel." The constable immediately goes out and summons a jury panel. Six men are the jury in a criminal case. Each plaintiff can have three challenges, and there are six men left to serve as the jury.

If the man in the civil case demands a jury—unless they have changed the law since I have been in Congress, and I do not believe they have—a jury fee has to be paid at the time, which amounts to $3. When the jury gets through with a case, the justice of the peace takes six 50-cent pieces and gives one to each one of the jurors, 50 cents to each juror. There is no record kept of pay or anything else.

Mr. CORMAN. If the gentleman will yield further, I would suggest very possibly the procedure he has outlined, is also used in cases where a man can be sent to jail for a year or more.

Mr. DOWDY. The justice of the peace cannot send a man to jail. The most is a fine, and it is easy to appeal to the county court of record. That is the procedure to follow.

Likewise, municipal courts do not have the right to send a man to jail. The city magistrate operates in somewhat similar circumstances. The cases are also appealable to a court of record which, in my State, is the county court. Their rights are completely protected. The records that are required as set up here, there is no provision for them now in those courts. The justice of the peace keeps no records at all except his fee book and his book that lists his judgments. That is all. That is all that is required of him because the amounts are too small to justify anything further.

It is more or less like some of the small claims courts set up in some of the cities, in some areas in recent years, to keep from putting the great burden on the courts of record where the amount involved is so small, and the costs involved are so little that even lawyers are not required. In Texas the justice of the peace is like the Supreme Court of the United States: The justice does not have to be a lawyer.

Mr. CORMAN. Will the gentleman yield further?

Mr. DOWDY. Yes, I yield to the gentleman from California.

Mr. CORMAN. I would suggest there are a great number of courts that are not courts of record that can imprison a man up to a year. I am informed that is the case in New York and in Arizona. I would suggest further to the gentleman that this apparent informality in the selection of juries will not present a problem until some claimant can convince some Federal judge that his jury was picked in a racially discriminatory manner.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. DOWDY was allowed to proceed for 5 additional minutes.)

Mr. DOWDY. Mr. Chairman, I would say that we would be really getting into a hodgepodge if this amendment is not adopted. Each of the counties in Texas has—some of them have reduced the number, and some do not elect a judge—eight justice precincts. Some cities have a number of justice precincts. We would get into an impossible situation.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. HUNGATE. In these so-called courts of limited jurisdiction, which in some instances, the gentleman suggests, could impose a jail sentence, would not that jail sentence be appealable to a court of record? Is there any instance in which an inferior court could enter a decision which was final, which could not be appealed to a court of record? I am asking about criminal cases.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. I would assume that the decision would be appealable in courts of record. This is an effort to obtain for the parties the right to a jury, to try the facts, which has not been selected on the basis of racial discrimination. That is all we seek to do.

We do not require that any more records be kept. They just must not throw away the records they do keep for at least 4 years. If a claimant should file a verified petition that he has been given less than a constitutionally composed jury, then they must answer in writing how they selected the jury.

The example which was given, "I sent my bailiff out to pick the first six men he saw spitting on the street to be jurors," is a perfectly acceptable answer. Then it would be up to the Federal judge to decide whether there had been discrimination. No records need to be kept. All they have to do is to continue what they have been doing.

Mr. DOWDY. It would be up to the judge to decide what the gentleman is talking about.

Let us assume that there is a court such as I have talked about. Let us assume that the justice of the peace court in Texas fines a man $20 for an offense the man has committed and that there is no appeal. There is an appeal, but let us assume there is not. That man would have, from that justice of the peace court, the right to apply for a writ in the U.S. Supreme Court. He is amply protected.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. HUNGATE. I still cannot see why if a complaint were made this section 204(a) would not apply.

Upon the filing of a claim—

that any right secured by section 201 of this title has been denied or abridged—

(a) The appropriate State or local officials shall furnish a written statement of jury selection information subscribed to under oath which shall contain a detailed description of the following—

If these are records that a justice of the peace or city court is keeping, they certainly have different ones from those with which I am acquainted:

(1) the nature and location of the sources from which names were obtained for inclusion in the wheel, box, or similar device—

This goes on, and it is quite exhaustive.

I should like to speak to one more point on this. There is nothing in this amendment which in any way deals with ameliorating or weakening the thrust of the bill toward the elimination of unsatisfactory jury selection. It merely seeks to limit its application to courts of record, to eliminate what in most cases would be unnecessary bookkeeping.

I wish to make it clear that the statute is not as liberalizing as some may wish it to seem, because, as I understand it, it would still be possible in some States to use the blue ribbon jury, where special people are selected according to educational qualifications. Of course, one can use educational qualifications to eliminate an ethnic or racial group, just as in any other way. Unless I am mistaken, in my reading of the bill, there is nothing here that would eliminate a blue ribbon jury.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from California.

Mr. CORMAN. I hope that the Members will understand we are talking about two separate things. One is the preservation of records, whatever records are kept under the existing law. The other is the rather detailed requirement under section 204(a), which sets out what must be in the answer, when we are attempting to determine the issue of discrimination.

All they have to do is to write down and to swear to how they select their juries.

That is not the thing we are talking about requiring them to perpetuate. We would let them perpetuate whatever kinds of records they already keep. If there is a lawsuit, then they will have to file an answer, and the answer must be sufficiently complete so that the court may determine whether or not there is a reason to go on with the exploration.

Mr. DOWDY. I do not know whether the gentleman has thought of this or not, but this whole thing begins with—and this is the crux of the matter—section 201.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Chairman, title I says that it shall be unlawful to make any distinction. That is criminal. It provides this to be a criminal offense. So you are saying here you are violating the fifth amendment by requiring anybody to make statements that could be used in evidence against them to confess their guilt. In section 201 it says that it shall be unlawful to make any distinction on account of race, color, religion, sex, or national origin or economic status. That is criminal. So the rest of this title goes directly in conflict with the fifth amendment of the United States of America. I think none of us liberals are going to vote to repeal the fifth amendment to the Constitution of the United States by an act of Congress here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask my colleague from Texas a question. On an appeal from a justice of peace court in the State of Texas to the next higher court, is the trial de novo?

Mr. DOWDY. It is a de novo trial both in criminal and civil cases.

Mr. McCULLOCH. Is that the case in every State of the Union?

Mr. DOWDY. I cannot speak for every State in the Union. I expect it is, though. We might find out from the gentleman from Colorado [Mr. ROGERS]. He knows all the answers.

Mr. McCULLOCH. Mr. Chairman, I rose to seek information on the point, because I think it has great bearing on the amendment. If every such trial in every State, on appeal, is not a trial de novo, then the amendment ought to be defeated, but if in every State the trial is de novo, then the amendment would do no damage.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield on that point?

Mr. McCULLOCH. Yes. I yield to the gentleman.

Mr. ROGERS of Colorado. That is one of the main reasons why we should oppose this amendment. There is not uniformity in the designation of inferior courts throughout the United States. I have tried to point out to the gentleman who proposed this amendment that the State legislature has the right to determine what is a court record and what is the method of court procedure. Because of that the amendment should be defeated.

Mr. McCULLOCH. Now, Mr. Chairman, I do think that the gentleman from Colorado has made a contribution to this discussion. Of course, the whole reason for this title, Mr. Chairman, is to assure a litigant that he will have a trial by a jury that is selected without discrimination on account of race, color, religion

or national origin. If the trial is not de novo in every State and if the selection of the jury in the first justice of peace court or the first court of lowest jurisdiction in a State is not of record, then there is no way to determine whether or not the jury has been selected without discrimination. In view of what the gentleman from Colorado has said, I am opposed to the amendment.

Mr. WHITENER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will try not to take the 5 minutes, but I will point out in the committee report on page 27 after referring to section 206 it says, "This definition is intended to cover all State and local courts of every kind whatsoever."

I do not know how it is in all of the States. In my own State we have justice of the peace courts and these courts may have a jury but no one is finally tried in a justice of the peace court, because they can appeal in either a criminal or a civil case and get a trial de novo in the superior court.

And, Mr. Chairman, it would seem to be foolish to extend all of this expensive mechanism to the numerous justices of the peace in my home county who are required to have a jury box.

Mr. Chairman, I believe the gentleman from Missouri has offered a good solution to the problem.

As I understand the matter, based upon my meager knowledge of the law, a court of record is defined as a court having a seal and, of course, a court having a seal is one so designated by the State legislature.

Therefore, such a definition of the term "State court" through the adoption of this amendment would do no violence.

Mr. Chairman, we all know that it is constitutionally impermissive to deny a right to trial by jury. So if you limited this definition of "courts" as the gentleman from Missouri would do, if by any chance any of these rather inferior courts are not handing out evenhanded justice insofar as the selection of juries is concerned, there is still ample judicial procedure to attack that.

Now, Mr. Chairman, to indicate how foolish are the provisions here under title I of this bill, the committee has written in a provision that if one has committed—if a man has committed an offense which is punishable by more than 1 year, this would disqualify him from jury service.

Well, in my State a general misdemeanor for which no statutory punishment is prescribed is punishable by up to 2 years, not in the State prison, but in the local prison.

Mr. Chairman, I pointed out here once before in connection with another bill, the fact that if you check out the North Carolina statutes, there is one that makes the breaking of a Coca-Cola bottle a general misdemeanor.

So, Mr. Chairman, under title I if we are going to follow our committee's prescription, then as far as this bill is concerned, it would make a man a felon who may be punishable for less than 2 years, a general misdemeanor in my State.

So, Mr. Chairman, I do not understand what the fight is all about.

The gentleman from Colorado and the gentleman from California are fine lawyers, but they certainly have confused the issue a great deal. However, I just hope they have not confused too many of our colleagues.

Mr. MULTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very simple amendment. It is so simple that it completely emasculates title II. The effect of the adoption of the amendment is, without putting it in those words, to effectually and completely nullify and strike out title II.

Mr. Chairman, title II begins with this language, in section 201:

> No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin or economic status.

By the simple expedient of changing the definition of "State court," what they want to do is to amend it to permit each State to render the title ineffective by changing the words which include every State court, to "court of record." They thus can eliminate every court in a State by calling it a court "not of record."

Mr. Chairman, the definition of a "court of record," according to Webster's dictionary, means any court which makes a written record of what happens in the court. In law the words "court of record" are words of art, but differing from jurisdiction to jurisdiction. Courts of record are usually defined in State constitutions, or in State law, as well as in Federal court decisions. In the State of New York our State constitution provides that only those courts that were established before 1895 are courts of record, and those established since 1895 are not courts of record. So we have courts all over the State—criminal courts and civil courts—in which we empanel juries and try and determine cases finally in accordance with the jury's verdict. They try cases which not only result in fines in the criminal courts, but also imprisonment. Adopt this amendment and in every one of those courts discrimination may be countenanced. Throughout the country we have the same situation applying in State after State. Take a look at Bouvier's law dictionary which I have taken the trouble to bring to the well with me. At page 713 of the edition, which I have in front of me, you will find "court of record" defined according to that respected legal work, in State after State after State. The court decisions have defined "courts of record" not only as a court which makes a record of its proceedings, not only as a court that has a seal but also such courts as are so defined in those jurisdictions in accordance with State constitutions and State laws.

If you should adopt this amendment and use only the words "State courts of record," then you might just as well strike out the entire title. Any State that is now discriminating can continue to do so by having its State legislature or its State constitution legislate that no court is a court of record or that only certain State courts are courts of record. By that simple expedient, they then permit the very discrimination to continue that we are trying to stop by title II.

Let us be forthright and frank about this. If you do not want title II then vote for this amendment. If you support the principle of title II then you must vote down this amendment so that in any State court in which a jury may be impaneled or where the right exists to have a jury make a determination, there will be no discrimination in the impaneling of that jury.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. MULTER. I yield to the gentleman.

Mr. WAGGONNER. It would appear to me that under the constitution of the State of New York there is some discrimination against some of the legally constituted courts. It would appear to me further that the solution to the problem of the State courts in the State of New York would lie in the revision of the State constitution to make courts of record those courts created since 1895 as well as those created prior to 1895.

But I do not believe the gentleman would suggest that the Federal Government do that for the State of New York. In effect, that is what he is suggesting if he leaves title II as it now is. The gentleman I must say has demonstrated he has no concern for States rights.

Mr. MULTER. On the contrary, I am suggesting that we should have one law against discrimination in the impaneling of juries throughout the country in every State court as well as in every Federal court. There is no reason why we should wait for a change of law to frustrate this proposed amendment in the State of New York or in the State of Alabama or in the State of Pennsylvania or in the State of Wisconsin or in any number of other States that are named in Bouviers, with case cited. The adoption of this amendment would frustrate what we are trying to do. There is no need for us to wait for a State law or for a State legislature to adopt a new law to conform to the change sought by a bad amendment.

What we need to do is to make our jury systems conform in practice to the provisions of title II. That is not an invasion of State rights. It merely compels the dissident States to conform to the overriding moral principles enunciated in the U.S. Constitution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demand by Mr. HUNGATE), there were—ayes 52, noes 73.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRAMER: On page 52, line 25, strike the word "may" and insert: "is authorized, after giving notice of such denial or abridgement to the appropriate State officials, and after certifying that he is satisfied that such authorities have had reasonable time to adjust the conditions alleged in such notice, to".

Mr. CRAMER. Mr. Chairman, this amendment is a very simple one and, I might add, basically, as my minority views indicate, I am in support of the basic concept of title II. But I think it goes too far and does not protect the rights and interests of the judges of the States or those who have the responsibility of constituting the panel from which juries would be selected. My amendment would simply require the Attorney General to give notice before he can bring an action in the Federal court—on his own motion, without any complaint from anyone—as the result of any single act by any single judge at any level, including the justice of the peace, coroner's judge, or what-have-you. Because of that single act of that person, because a judge or a jury commissioner excluded someone because of race, color, or creed, intentionally or otherwise, the provisions of that title come into effect. That is the broad sweep of this title.

Under my amendment, the Attorney General would be required to give notice to that official and advise him that, as far as an exclusion having taken place or is taking place in the constitution of the panel, he should correct it. That is all the amendment would do.

We are dealing with the separation of powers under the Constitution in a vertical—as compared to horizontal plane. I speak of the vertical separation of powers—Federal, State, and local. We have tried to preserve the separation of powers and recognize that a person duly elected to State office—to a judgeship—should at least be given notice before the heavy hand of the Federal Government is brought down upon him through the Attorney General for any single act or omission on his part, intentional or otherwise, in the selection of a panel from which a jury is selected. That is all the amendment would do.

Now, what are the precedents? I offered a similar amendment in 1964 to title VI relating to the withholding of funds, and it was adopted. That is one precedent. I shall read it to you from the Civil Rights Act of 1964. The amendment was adopted on the floor of the House as amended. Again I emphasize that we are dealing with public officials; we are not dealing with a pattern or practice. We are dealing with a single act, and in most instances in legislating in the past, when those conditions existed, we have always required that the local officials be first notified to put their own house in order first. As I have said, we did it in title VI, Public Law 88–352, by an amendment I offered on the floor of the House, which read as follows:

> No such action shall be taken—

Meaning the withholding of funds—

> until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirements and has determined that compliance cannot be secured by voluntary means.

That is the first precedent.

What is another precedent in the 1964 Civil Rights Act? School integration. In that instance, and wisely so, the Congress wrote in a requirement that the parties must be notified. You are dealing with public officials. You are dealing with a single act, not a pattern or practice. What does it say? It states that—and again this is the act of 1965—and this is title IV—

> The Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority, and after certifying that he is satisfied that such board or authority has had a reasonable time to adjust to conditions alleged in such complaint—

Only then can he institute the suit.

That is precedent No. 2.

There is a third precedent relating to the FEPC—instances where you are dealing with officials. This is an instance where you are dealing with employers. I am reading again from the act of 1964, the FEPC title:

> The commission shall furnish such employer, employer's agency or labor organization with a copy of the charge.

(By unanimous consent, Mr. CRAMER was allowed to proceed for 3 additional minutes.)

Mr. CRAMER. Then, if a State has an FEPC commission that commission must be notified. So throughout the 1964 civil rights amendment, we wrote in the requirement that when we are dealing with a public official, before the heavy hand of the Federal Government shall be brought down on that local State official—and I am sure we can all understand what that means to that individual politically and what it means to his carrying out his responsibilities of the office to which he was elected—that the Federal Government must first notify him. In this instance, it must notify him that the Attorney General feels that there has been someone excluded from the panel because of race, color, or creed.

Is that too much to ask? Is anything unreasonable about that? Do we want to completely obliterate the Federal-State relationships in this great government of ours? If we do, then we should enact it without this amendment.

But the precedent shows that such an amendment has been adopted in the past. It should be in this instance. I just do not know how many people appreciate just how far this title goes. For instance, in the State of Florida, a coroner's judge, since there is a necessity for a coroner's jury, can exclude somebody inadvertently, and based upon that the Attorney General can bring an action and strike down the entire Florida State statute relating to juror qualifications. It can strike down these requirements under the Florida statutes based upon that one single act and subsitute what the court determines are "objective standards"—a phrase appearing in the bill under the title "Appropriate Relief," on page 53, where it says the court can completely substitute its own judgment, its own "objective standards" for any subjective standard or objective standard being used by the State, even though that standard was not employed to discriminate.

I hope I can put that point across. If a State does not discriminate on the basis of good moral character, for instance, or use that as a vehicle for doing so, even the good moral character can be stricken down—and the majority report so states. The court has the power under title II to completely nullify the State law on the basis of one single act of one single judge in one single instance.

If there is one error, intentional or otherwise, the judge should be given a chance to correct it. We are talking about the judiciary and the judge. I do not know of many judges who do not carry out their responsibilities to the fullest, and who do not intend to do so.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the amendment submitted by the gentleman from Florida purports to do is to place two preconditions on the Attorney General before he can bring a suit. This does not exist in the present voting rights area. Nor does this exist in the area of public facilities.

It merely is another delaying action and places an obstacle in the path of the Attorney General in an area where it is absolutely necessary for him to bring suit easily in order to determine whether or not there is discrimination.

I believe that to adopt this would change the statutory provisions governing the Attorney General's power to sue that exists in other areas. Moreover, we do know that the Attorney General at the present time does give notice to the parties alleged to be in violation of the law.

He gives them a reasonable time to adjust the alleged unlawful conditions. Indeed, the Attorney General gives much time and effort to trying to obtain voluntary cooperation.

We feel that the amendment, attempting to set up preconditions—these obstacles—could hamper the very purpose of the section. For that reason the amendment should be defeated.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Is it not reasonable to assume that the Attorney General, before he would institute any action, would make some investigation of what the problem might be?

Mr. RODINO. We know that is the case. That has been the case. The Attorney General makes a practice of it.

Mr. ROGERS of Colorado. And before he does institute actions certain investigations must be made, and he uses his own good judgment and discretion in the matter. Why add an extra burden to it?

Mr. WHITTEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I presume that it might be a waste of time to point out some of the things I feel we should think about at this moment; but we have never faced a more serious situation. The American people have had enough of trials being delayed, the guilty going free on technicalities, property being destroyed, our police being pushed around. They have a right to expect us to do something to restore law and order, for involved is the destruction of responsible government.

Here we are with the greatest wave of lawlessness facing our country all across the land, and yet the Congress, which should take to heart its own re-

sponsibility, is busy spending days and days protecting the rights of the irresponsible to serve on juries. Now, is that not a ridiculous thing for us to do, when we should be busy trying to make punishment for crime more certain?

So far as this amendment is concerned, if I understand it correctly, it would prohibit the Attorney General from filing suit prior to giving notice to the local court or jury commissioner, and giving them an opportunity to meet any defects. The amendment is sound.

Mr. DOWDY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and twenty-six Members are present, a quorum.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. Mr. Chairman, may I say, after having listened to the debate and after having read the bill and the report, apparently the jury provisions are predicated upon a feeling on the part of some people that in five, six, or seven criminal cases, perhaps there should have been convictions when there were not.

This bill will not improve anything. We find in today's newspaper reports from at least 8 or 10 States throughout the Nation where on yesterday criminals were running wild, destroying lives and property. We read of the deplorable murder of the young nurses and of the 16 persons who were killed in Texas yesterday. Murders, which could well have been generated by the news of killings which have recently filled newspapers, radio, and TV. I say to you that while there is a wave of lawlessness across the United States we are finding the courts of this land, instead of trying to help to see that the general public is protected suddenly finding in the Constitution of the United States new court created rights which give the defendant additional chances to avoid punishment for his crime. We see on every hand the courts getting away from the rule on which orderly government was built, a general rule to the effect that if the record clearly showed the guilt of the defendant beyond a reasonable doubt, he or she was not released on the public on some technicality and particularly a technicality raised by the Appellate or Supreme Court itself.

I say to you again, it is said that Nero fiddled while Rome burned. It strikes me that is about what we are doing here. At a time when our country is becoming the victim of the criminal, when our wives and daughters and we ourselves are afraid to walk our streets, we find the Congress spending these hours and days trying to protect the rights of irresponsible persons to sit on a jury. I say to you again, this is something we should seriously consider. These criminals are destroying our country. It is high time we showed a little discrimination or judgment not only in the selection of jurors, but of judges—if we are to stop this wave of lawlessness. We have had lots of legalistic arguments on this bill because many of us are lawyers—it is fine for the lawyer, and for the record perhaps—but I say to you that the message is just not getting over to the country or to the Congress. We need to do something about crime and criminals. We need to make punishment more certain. We need to put the rights of an orderly, and law-abiding society ahead of the whims of the Supreme Court. The Constitution is the same. The trouble is that the Court suddenly claims new found rights of a defendant in our original Constitution, the result of which is to make it harder and harder to punish those who are clearly guilty. I say that it is time to wake up here and quit fiddling. Rome is certainly burning, and if you do not believe it, read today's newspapers.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 2:45.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. WAGGONNER. Mr. Chairman, I object.

Mr. WHITENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITENER. Would the Chair restate the request? As I understand it, it is for this amendment, not for the title.

Mr. RODINO. This amendment and all amendments thereto.

Mr. WAGGONNER. Mr. Chairman, I withdraw my objection.

Mr. RYAN. Mr. Chairman, I object.

Mr. RODINO. Mr. Chairman, I move that all debate on this amendment and all amendments thereto conclude at 2:45.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey that all debate on this amendment and all amendments thereto close at 2:45.

The motion was agreed to.

Mr. WHITENER. Mr. Chairman, I did not intend to be standing. Therefore, if you would like, the Chairman may strike my name and give my time to someone else who was standing.

Mr. WAGGONNER. Mr. Chairman, I ask that my name be stricken. I was on my feet for purposes of entering an objection.

The CHAIRMAN. The requests of the gentlemen are noted.

The gentlemen remaining will be recognized for approximately 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. RYAN] for 2½ minutes.

Mr. RYAN. Mr. Chairman, I rise in opposition to the amendment which is another effort to weaken this bill, another effort to dilute title II which in my judgment is already weak and which will not prove effective in accomplishing the purpose of title I and title II.

The purpose of this title and the purpose of title I is to insure that juries throughout this Nation will represent a cross section of the population.

Mr. Chairman, I believe that the means which have been adopted by title II will not insure that the end will be accomplished.

In general, there are two ways in which this purpose can be accomplished: one, through judicial enforcement and, second, through administrative enforcement. Judicial enforcement means a case-by-case determination of discrimination in jury selection in each county. Administrative enforcement would mean an objective, swift and accurate triggering of a mechanism for remedying jury discrimination whenever it exists.

Mr. Chairman, I believe that we should have learned from the past experience with voting rights legislation. The laws enacted in 1957 and 1960 were ineffective. Finally, we enacted the Voting Rights Act of 1965 which provided a so-called automatic trigger to deal with the problem of insuring the right to vote.

Mr. Chairman, a case-by-case, county-by-county method of litigation simply did not work.

Chief Justice Warren summarized the experience of the earlier laws in an introduction to the Supreme Court's unanimous opinion upholding the constitutionality of the Voting Rights Act of 1965 in South Carolina against Katzenbach on March 7, 1966.

> The previous litigation has proved ineffective for a number of reasons. Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow, in part because of the ample opportunity for delay afforded voting officials and others involved in the proceedings. Even when favorable decisions have finally been obtained, some of the states affected have merely switched to discriminatory devices not covered by the Federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration. Alternatively, certain local officials have defied and evaded court orders or have simply closed their registration offices to freeze the voting rolls.

The House report of the Voting Rights Act of 1965 made the same point:

> Four years (to press a voting suit) is too long. The burden is too heavy, the wrong to our citizens too serious, the damage to our national conscience is too great not to adopt more effective measures than exist today. Such is the essential justification for the pending bill.

In short, Mr. Chairman, the early voting laws did not work because they required individual suits in each of the counties charged with discrimination. The same situation exists in proceedings dealing with jury selection. Suits are expensive to bring; they allow for endless delaying tactics; and there is no guarantee that the district judge will be more helpful than the local jury commissioner.

Mr. Chairman, for this reason, I introduced a State jury selection bill, H.R. 14111, which would have used a procedure similar to the "automatic trigger" of the Voting Rights Act.

My bill would require that all counties affected by the Voting Rights Act keep very careful records of their jury lists.

The Attorney General would then be empowered to certify to the Civil Service Commission for the assignment of Federal jury commissioners if the records showed that the discrepancy between the number of eligible Negroes in the county and the number of Negroes on the jury

list was greater than three to two; or the county failed to comply with the record-keeping requirement; or a previous court decision had found that the county's juries were segregated; or the county had ceased to use voter registration lists to select jurors after passage of the Voting Rights Act of 1965.

Mr. Chairman, there can be no question about the constitutionality of the so-called automatic trigger, which was specifically held constitutional in the unanimous Supreme Court opinion in South Carolina against Katzenbach. In that decision, which was written by Mr. Chief Justice Warren, it was explained that the Voting Rights Act "prescribes remedies for voting discrimination which go into effect without any need for prior adjudication." This was clearly a legitimate response to the problem, the Chief Justice wrote, "for which there is ample precedent under other constitutional provisions."

Mr. Chairman, I predict that this bill will need to be supplemented in years to come. While I will support title II with the understanding that the Attorney General will prosecute it with extreme vigor, I cannot share the enthusiasm of those who proclaim that this measure will end discrimination in the courts of this land. Since the Judiciary Committee did not adopt the use of an "automatic trigger," I am afraid that any complete solution to the problems of segregated juries will have to await the action of a later Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RYAN. Mr. Chairman, may I request of the gentleman from New Jersey [Mr. RODINO], additional time?

The CHAIRMAN. Time is regulated.

The Chair recognizes the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, I would refer to the statement of the gentleman from Florida, who does not know any judges who do not carry out the law. I do not know any attorneys general who would not either. So there will never be a case under those circumstances.

Mr. Chairman, I would say to the gentleman from Mississippi [Mr. WHITTEN], who indicated that we are attempting to get irresponsible persons to sit on the jury, our only contention is that you cannot tell automatically that the man is irreponsible because of the color of his skin.

But, Mr. Chairman, more importantly, it is vital that we move expeditiously in these cases in order to protect the rights of both parties, the State and the defendant in a criminal case, or the plaintiff and the defendant in a civil action.

Mr. Chairman, that is the reason we should not impede the action of the Attorney General to move swiftly in these cases where he needs to act, and to do nothing which would impede such action.

Mr. Chairman, it is up to the judge to decide whether that action is meritorious.

Therefore, Mr. Chairman, I urge the defeat of the amendment and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Florida [Mr. CRAMER].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, very briefly the objective of my amendment is very simple because it is to provide that the official involved, meaning a judge in most cases, shall be notified before an action is brought by the Attorney General. This is being done pursuant to the precedents of the 1964 Civil Rights Act in which there was written in on the floor a similar provision, in an amendment which I offered to the withholding of funds under title VI, as well as the two other instances that I previously stated.

I think it is fully justified in view of the broad scope and breadth of the power of the court in the action it can take in relation to all jury qualifications in all States and in a particular State to strike down that State statute in toto as it relates to jury qualifications including, for instance:

In the State of California the requirement of ordinary intelligence. The State of Florida—good moral character. Maine—good moral character and integrity. Massachusetts—good moral character. New York—good character and proved integrity and sound judgment. Texas—sound judgment and good moral character. Wisconsin—esteem in the community as to good character and sound judgment.

All of the foregoing qualifications can be stricken down as proper tests for jurors on the decision of the court based upon a misuse, intentionally or otherwise, of a single standard by a single judge in a single act.

That broad scope being in the bill, I say it should at least be required as it was in the 1964 Civil Rights Act, that a judge be advised when the Attorney General thinks he has done wrong, intentionally or otherwise. It should be corrected. It is not too much to ask the separation of powers be properly preserved between Federal, State, and local governments bringing in the heavy hand of the Attorney General.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, the gentleman from Florida has pointed out part of the 1964 act which I had intended to cite.

There is precedent for the amendment that is offered by the gentleman from Florida. I should like to quote the very language in that act. Section 602 in title VI of the Civil Rights Act of 1964:

> Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof or other recipient as to whom such finding has been made and, shall be limited in its effect * * *

Mr. Chairman, I think it is in the interest of good relations between the Federal Government and the States and political subdivisions thereof that the States and political subdivisions always be given an opportunity to mend the error of their ways. That is exactly what this amendment would do. It is a good amendment; we should adopt it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I regret that I must disagree with the gentleman from Ohio.

Mr. Chairman, the situation that he refers to is not one which involves a law suit, it concerns the curtailment of Federal assistance under title VI of the 1964 act. There are ample precedents for the provision in title II, in the voting rights area and the public facilities area where the Attorney General does not need to give notice and where no preconditions to sue are required.

I think for all the reasons stated, when you consider that this involves a basic question as to whether or not discrimination State jury selection exists, I believe that we must not in any way delay and we must not place any obstacles in the way. For that reason, Mr. Chairman, I believe the amendment should be defeated.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. CRAMER. Mr. Chairman, I think in all fairness the gentleman will agree that the two instances he cited involve the necessity of proving a pattern of practice, not a single act, which is the case we are talking about here. That is why the difference exists, where there is a single act of a public official, there is always notice required.

Mr. RODINO. No pattern of practice is required.

Mr. CRAMER. For the Attorney General to act it requires a pattern of practice.

Mr. RODINO. Not to institute a suit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken; and on a division (demanded by Mr. RODINO) there were—ayes, 86, noes 58.

Mr. RODINO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CRAMER and Mr. RODINO.

The Committee again divided, and the tellers reported that were ayes 118, noes 99.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 5, lines 22 and 23, after "engaged", strike out "or is about to engage".

Mr. WHITENER. Mr. Chairman, this amendment would be to subsection 202 (a) of title II on page 52 of the bill. It would merely strike out the words "or is about to engage" on lines 22 and 23 of the bill.

I had the privilege of attending a great university, Duke University, where we have a very fine department on extrasensory perception. Our school was a pioneer in this field, which I believe now is called parapsychology.

So far as I know, the distinguished Attorney General of the United States did not have the privilege of getting training in—nor do I know of any special gift he has in—extrasensory perception. Yet if we followed the committee bill in this regard we would require that the Attorney General of the United States in the future exercise this rather fantastic sixth sense of extrasensory perception. We are telling him in this bill that if someone is about to engage in an act which would deny or abridge any right set forth in section 201 of the bill it is his duty to run down to the courthouse and bring a suit in the U.S. district court to stop this person that his extrasensory capacity has caused him to believe is about to engage in such an act or practice.

Now, my friends, if we strike this language, we shall not do any violence to any legitimate intention that any proponent of the bill could possibly have. If the amendment is agreed to the Attorney General would still be empowered as follows:

Whenever there are reasonable grounds to believe that any person has engaged.

In other words, the Attorney General does not have to know that someone has engaged in a violation of section 201, even if my amendment is adopted. The only thing he would have to do is to have "reasonable grounds to believe." "Probable cause," I suppose, would be a synonymous expression with "reasonable grounds."

Why would anyone feel that the Attorney General ought to try to be a person with prophetic powers? If we believe what the proponents have said about the horrible activities in the several States in this field of jury discrimination, then he is going to have his hands full just handling those already doing it, without hunting new fields to conquer.

I note that our committee chairman [Mr. CELLER] is unavoidably absent at this time, but I would hope that those handling the bill would accept this amendment as being reasonable, and as saying to the Attorney General, "We are not going to require you to do an impossible thing; that is, to try to read the minds of or predict a future action on the part of a jury commissioner or some public official within a State or a local community."

I would urge that everyone consider this amendment seriously, because it is offered in a serious way, as others I have offered have been. I believe it would improve the bill some. I believe the bill is beyond redemption, but this at least would make it a little less bad. I know that even those who have spoken so eloquently for the bill would agree it could stand a little bit of improvement.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman now in the well is much more learned in the law than I. Am I not correct in my belief that there is a maxim of equity to the effect that the law will not in any event enjoin the doing of something that would be in the nature of a speculative act? Does the gentleman recall that?

Mr. WHITENER. I remember one maxim to the effect that equity will not do a vain thing.

Mr. ANDERSON of Illinois. In view of the fact that this section does call for the issuance of an injunction or the granting of relief in equity, I just wondered if that would not be an additional reason or argument in favor of the point the gentleman now makes.

Mr. WHITENER. I would imagine, if one were proceeding in equity, that one would have a difficult time establishing there was about to be a wrong committed without a remedy, if dealing in soothsaying and clairvoyance, as this would require the Attorney General to do.

I do not know how an equity court could grant an injunction upon a belief asserted by a litigant, and the Attorney General would be the litigant here.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as much as I am reluctant to do so, I must oppose the gentleman's amendment. Again I repeat I know that the gentleman sincerely believes that this language would do the things he suggests it would do, but I think it would do violence here. I direct the gentleman's attention to the fact that in the Voting Rights Act of 1957, and in the public accommodations section, title II of the 1964 Civil Rights Act, we find the language, "has engaged in any act or is about to engage in any act or practice." This language is there. To provide otherwise in title II, I believe now would actually be to subvert this very section.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me?

Mr. RODINO. Yes. I yield to the gentleman.

Mr. WHITENER. I do not say this to offend the gentleman but just to point out to him that I did not vote for the Voting Rights Act.

Mr. RODINO. I understand that, and possibly this may be the reason why the gentleman suggests that we adopt this very language he points to now. What we are seeking to do is not only to find that there has been a wrong done and there has been discrimination, but we would want to take some preventive action. That is why we use the phrase "about to engage."

Mr. Chairman, for that reason I believe the amendment should be defeated.

Mr. ASHMORE. Mr. Chairman, I rise in support of the amendment.

My friends, I do not propose to take the 5 minutes I am allotted, but I think it is incumbent on some of us who have some feeling on this point to make a few remarks about it. The gentleman's amendment is most reasonable, and I think it should be seriously considered by everyone. We are not here talking just for the benefit of hearing our voices. If you will notice, this section 202 reads as follows:

Whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured.

And so on.

How in the name of commonsense can anyone whether he be a soothsayer, a clairvoyant, a palm reader, or who follows the movements of the stars in the sky, or a fortuneteller or whatever he might be, determine when some person is about to engage in an act that they refer to here? It just does not make commonsense. The statute would read very well if you eliminated the five words specified in the amendment, that is, "or is about to engage." The title would then read: "whenever there are reasonable grounds to believe that any person has engaged in any act or practice." We do not object to that. When he is actually engaging in it, it is perfectly all right to take this action, but when you get out in the realm of speculation and guesswork, and away out in dreamland itself, and say when someone is about to engage in something, then I do not understand how we, as lawyers particularly, can swallow such a proposal.

Mr. Chairman, I am constrained to refer to a statement by a former Governor of a State in this great country of ours, a man who just went out of office, at the end of 1964, Governor Sanford, of North Carolina. Governor Sanford was known as a moderate. Some people even called him a liberal. He was a great friend of the junior Senator from New York, BOBBY KENNEDY, and was supported in his election to the governorship of North Carolina by the former great President, Jack Kennedy.

They were great friends and they thought along the same lines. They had the same philosophy in most respects. Just a few weeks ago Governor Sanford, in speaking to the young lawyers section of the North Carolina Bar, used this argument in referring to title II of this bill, the very vital part of it which we are now thinking about.

He said:

It is a dangerous precedent that would alter—

I am quoting—

alter profoundly the relation between State and Federal courts.

Still quoting from Governor Sanford, he said:

It would not—

I repeat—

It would *not* insure convictions where they are justified and are *not* now being obtained."

And, Mr. Chairman, to quote him further, in part, he said:

And it would upset the proper division of powers in the American system of government.

Mr. Chairman, that is entirely in line with what Chief Justice Warren said back in April when he was referring to some of the legislation that was then pending in the Congress of the United States about which Chief Justice Warren had some serious doubts, and put the people on notice in this country. He was speaking to you and to me because the legislation to which he was referring was then pending before the Congress. It is now pending before the House of Representatives.

We have been warned about going too far by the great Chief Justice of this country, and who could be any more liberal than he is?

Now, Mr. Chairman, we have a great Governor who is also a liberal saying that you will upset the proper division of powers in the American system of government when you do some of these things.

And I say that one of the worst things you could do would be to provide that the Federal Government take over when someone is "about to commit an act" that the statute prohibits—I emphasize "about to" do so. Again, who is going to determine when one is about to do something? Are you going to the palm reader, the fortunetellers, or will you look into the crystal ball?

My friends, this is just commonsense. Strike out this "about" business, and leave the statute as it should be, and as it is in 99 cases out of a hundred.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that I cannot agree with my able colleague, the gentleman from North Carolina [Mr. WHITENER] who has previously spoken.

Mr. Chairman, I submit to the Members of the Committee that the language which he has spoken are words of art. They are known to every lawyer who has ever filed a suit in either State or Federal court seeking injunctive relief, and who has used such words to prevent the things that may result in irreparable damage.

Mr. Chairman, the mere filing of the suit does not mean that the Attorney General is going to win his suit. He must prove the allegations of his complaint.

Certainly, Mr. Chairman, if this amendment is stricken then the Attorney General, where there is discrimination in this kind of activity, must wait until it has occurred, before he can obtain the injunctive relief which he needs in order to obtain justice for the people of such political subdivision.

I believe, Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this title conclude at 3:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. WHITENER. Mr. Chairman, reserving the right to object, I hope that the gentleman will withdraw his request. We have gone along here very nicely, and there have been no dilatory tactics insofar as we are concerned here.

Mr. Chairman, there are several amendments to be considered, I believe this is an important piece of legislation, and I realize the impatience of some folk to help wreck the Constitution. But I am not one of them. Therefore I believe we ought to have an opportunity at least to make a record, and I hope the gentleman will withdraw his unanimous consent request.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

How many amendments to title II are now pending at the desk?

The CHAIRMAN. The Chair is informed that there are four pending at the desk.

Mr. RODINO. Mr. Chairman, I withdraw the motion.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 56, line 22, after "appropriate", strike out remainder of line 22; all of line 23, and all on line 24 through the word "occur" and insert in lieu thereof "Federal official to produce additional evidence demonstrating that such denial or abridgement did occur".

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. WAGGONNER. Mr. Chairman, this is an amendment to section 204 which is the discovery-of-evidence portion of title II of this proposed legislation.

Section 204 reads in part:

In any proceeding instituted pursuant to section 202 of this title or section 1983 of title 42 of the United States Code, or in any criminal proceeding in any State court prior to the introduction of any evidence at trial, or in any habeas corpus, coram nobis, or other collateral proceeding in any court with respect to a judgment of conviction entered after the effective date of this title, wherein it is asserted that any right secured by section 201 of this title has been denied or abridged—

Subparagraph (c) provides:

(c) If the court determines (1) that there is probable cause to believe that any right secured by section 201 of this title has been denied or abridged and (2) that the records and papers maintained by the State are not sufficient to permit a determination whether such denial or abridgment has occurred, it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur.

Please note that this section has application in any criminal proceeding. I stress "criminal."

I would agree that if such evidence is discovered that action should be taken prior to the introduction of any evidence at trial.

I am not an attorney. But I think it has been an accepted fact in courts of justice the world over since the beginning of time that the accused was presumed to be innocent until proven guilty. The language of this section is in direct contradiction to that long-established and accepted principle. The language of this section of this legislation presumes guilt until you prove you are innocent. It places the burden of proving innocence upon the accused, and does not properly place the burden to prove guilt on the accuser or the Government. The accused cannot face his accuser. I submit simply to you that the burden of proving an individual has had his rights denied or abridged rests with the appropriate Federal official who enters or supports and prosecutes an accusation. I challenge any man to say to me that the principle is unfair or wrong if you want to maintain the long-established principle of presumed innocence until an individual is proven guilty.

I know what your proponent attitude is, but you cannot honestly say that you are fairminded if you want to abolish that long-established principle that we have been guided and governed by and we have lived by to this point if you vote against this amendment.

I say simply that the burden of proof should rest with the appropriate Federal official or Federal agency who enters an accusation that an individual's rights have been denied or abridged.

I ask support of this principle. Surely you are not so prejudiced that you will commit this rape solely out of the fear of your mixed-up emotions attached to the issue of civil rights.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment. I should first point out that the question we are dealing with concerns discovery of evidence and the proof necessary to prove that there has been a person excluded from a grand or petit jury in any State court on account of race, color, religion, sex, national origin, or economic status. That is what we are dealing with here, and by section 202 we would authorize the Attorney General to institute an action.

In section 203 we outline various types of relief that may be given. In section 204 we deal with discovery of evidence.

The discovery procedures that are set forth here provide that the State officials who have charge of the jury mechanism are required to set forth certain items as provided on page 55 under (a) (1), (2), (3), (4), and (5).

Remember, you are in a court, and this evidence is required of those who have charge of the books, those who have charge of the jury panel, those who are State officials and have a duty and a responsibility to perform certain functions.

I direct your attention to page 56, line 16. The information that the State official has is submitted to the judge and if the judge then finds that there is probable cause that there has been a discrimination because of race, color, creed, sex, national origin, or economic status, and that the information submitted by State officials is insufficient to permit a determination, then the State officials must go forward with more evidence.

All we say then is that having convinced the judge that there is probable cause that there has been a violation, the individual who has charge of the books and who claims that there has been no discrimination is under obligation to come forward. We who have practiced law for many years recognize that when once you make a prima facie case, the other side must come forward with the proof, and that is all we required here. Hence, I believe the amendment should be defeated.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding. As I understand this section, as the gentleman has interpreted it, the burden of proof initially is on the Attorney General, and then after he has assumed the burden of proof and reasonable cause has been established, the burden shifts to the other side to carry the burden forward to establish that they have complied with the requirements with regard to the selection of a jury without discrimination as to race or color.

Mr. ROGERS of Colorado. The gentleman is eminently correct, and it is the court that must be convinced of the probable cause before you come in. That is the normal process. Hence I believe the amendment should be defeated.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Does the section say "probable cause" or "prima facie proof"? There is a great deal of difference between probable cause and prima facie proof.

Mr. ROGERS of Colorado. When there is probable cause to believe that any right secured by section 201 has been denied or abridged, the provision comes into effect. He must be convinced there is "probable cause."

Mr. EDWARDS of Alabama. If the gentleman will yield further, all the grand jury finds is that there is probable cause to believe a crime is committed, and the criminal is bound over to the court, but that does not shift the burden of proof. The person still is clothed with the presumption of innocence, because probable cause is not sufficient to shift any burden of proof.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

I feel that the House should not be continually misled about the provisions that are written in this bill, as brought here by the committee to be passed on by this House. What has just been talked about is "probable cause to believe." Probable cause to believe is not a prima facie case.

But, reading just two or three lines below this, which was so conveniently ignored by those opposing the amendment, there is provision that if the records the Attorney General has are not sufficient for him or the court to permit a determination as to whether or not such denial has occurred, that there is not enough evidence one way or another to say, then the burden is thrown upon the defendant to produce evidence showing that it did not occur.

Throughout the debate here it has been overlooked that this is a criminal action, that it is a criminal provision that is being written into the law. Section 201 says "it shall be unlawful to make any distinction on account of race, color, religion, and so on, in selection of any person to serve on a grand or petit jury in any State. It is unlawful; it is criminal; it is penal.

They are shifting the burden of proof and denies the presumption of innocence by the specific wording of this bill. I do not believe the House should be misled by saying it is a prima facie case. If it was a prima facie case, this would not have to be done.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There is no such provision.

Mr. DOWDY. What does it mean when it says it shall be unlawful? Is that not criminal?

Mr. ROGERS of Colorado. No, that section provides that such discrimination is prohibited.

Mr. DOWDY. Sure; it is the nature of criminal laws that they prohibit.

Mr. ROGERS of Colorado. It is prohibited. The issue is brought before a court of equity. We do not have a man on trial for any crime.

Mr. DOWDY. We do not try a man accused of crime in a court of equity. We try him in a criminal court.

Mr. ROGERS of Colorado. But here we are in a court of equity.

Mr. DOWDY. The only place we can try a man charged with a crime is in a court of law. Here we are trying to discover some evidence for criminal prosecution. It cannot be anything else, because that is all this title deals with, a violation of law. We cannot require a man to testify against himself. We cannot put the burden of proof on the accused. The burden is on us to convict him, if we want to convict him of violating this section 201.

Mr. ROGERS of Colorado. Is there anything in this court of equity, in the proceedings, which establishes that the man is on trial for a crime?

Mr. DOWDY. That is what you are trying to do. That is what I am complaining about.

Mr. ROGERS of Colorado. Where is that in this? We know that if we are going to charge a man with a crime against a law of the United States, we have to have an indictment.

Mr. DOWDY. That is the way it ought to be. I am saying we are not doing that in this bill. We are taking him into a court to try to make him testify against himself.

Mr. ROGERS of Colorado. We are taking him into a court of equity. The gentleman knows what a court of equity is.

Mr. DOWDY. For violating a criminal law, we want to take a man into a court of equity?

Mr. ROGERS of Colorado. This is not a criminal court here.

Mr. DOWDY. We do. Any person ought to know that if something is unlawful, it is against the law.

Mr. ROGERS of Colorado. Then what is the penalty provided in title II? If we have him in a court as a criminal, what is the penalty?

Mr. DOWDY. Apparently we are going to try to get him for criminal intent to violate a law.

Mr. ROGERS of Colorado. The point is, usually when a man is charged with a crime, there is also a description of punishment. There is no punishment here. There is only an equity action.

Mr. DOWDY. To try to get information to punish him for the crime, that is set up by this bill.

Mr. ROGERS of Colorado. No, I beg the gentleman's pardon.

Mr. DOWDY. If the gentleman provides an unlawful act and does not provide a punishment for it, that is not my lookout.

I am not talking about that. I am talking about this amendment, which puts the burden of proof back upon the prosecution and preserves for the defendant the presumption of innocence.

The amendment ought to be adopted.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment.

I point out that section 202 refers specifically to a civil action. The effort here is to determine in a civil action whether or not the requirements are complied with with regard to selecting a jury without discrimination on the basis of race or color.

It does seem to me that the information as to whether or not the section has been complied with would be peculiarly within the knowledge and province of State and local officials who are charged with providing jurors to serve on petit and grand juries. Therefore, I believe it would be an unconscionable burden to put on the Federal official to produce evidence which is peculiarly within the province of State and local officials.

I urge that the amendment be defeated.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield for a question.

Mr. DOWDY. Does the gentleman not believe that if the prosecution is going to indulge in a civil action to determine whether a man is guilty of violation of a criminal law he ought to be doubly protected on the presumption of innocence?

Mr. McCLORY. I do not interpret the section as the gentleman does. I interpret it as a civil action. It states specifically at the top of page 53 that it is a civil action, in which the Attorney General may try to secure preventive relief, through an injunction or restraining order or other order which is intended to force compliance with the policies of title II or at least secure a determination as to whether discrimination has been practiced.

This provision with regard to discovery, of course, relates to information which, as I say, is within the knowledge of State and local officials. I would not

believe it would be possible to place that full burden on officials who really have nothing to do with the application of the law. The guidelines for assuring fair and impartial jurors without discrimination are set forth in title II. The responsibility for establishing that these guidelines are being complied with are appropriately reposed in State and local officials.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on title II and all amendments thereto close at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. EDWARDS of Alabama. Mr. Chairman, reserving the right to object, how many amendments are there?

The CHAIRMAN. There are three amendments at the desk, the Chair will state.

Mr. EDWARDS of Alabama. I object.

The CHAIRMAN. Objection is heard.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on title II and all amendments thereto terminate at 4 o'clock.

The CHAIRMAN. The question is on the motion of the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 51, noes 42.

So the motion was agreed to.

Mr. DOWDY. Mr. Chairman, I object to the vote on the ground that a quorum is not present.

The CHAIRMAN. The Chair will advise the gentleman that such an objection is not valid in the Committee of the Whole.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 56, line 21, strike out "it shall be the responsibility of the appropriate State or local officials to produce additional evidence demonstrating that such denial or abridgment did not occur" and insert "the proceedings on said issue shall terminate unless the moving party shall produce evidence sufficient to satisfy the court that a right secured by section 201 of this title has been denied or abridged."

The CHAIRMAN. Under the terms of the motion, the gentleman from North Carolina [Mr. WHITENER] is recognized for a large 3 minutes.

Mr. WHITENER. Mr. Chairman, I thank the Chairman. May I say to the Chairman that I appreciate the largeness and the greatness of his conduct as he has presided over this body during this rather long and protracted debate. I regret that at this early stage in the proceedings there seems to be an effort on the part of some to cut off debate and not have the matter fully explored. I hope as they repair to their accustomed places of rest tonight that they will think about this and realize that this is not quite the way to go about legislating.

The amendment which I have offered, Mr. Chairman, is not one which is inconsistent with the established principles of procedure in the courts. It merely says that if one comes into court, whether he be the Attorney General or some other, contending that the provisions of section 201 have been denied to any individual, that the proceedings on said issue will terminate unless the moving party carries the burden of proof not beyond a reasonable doubt, not by the greater weight of the evidence, but to the satisfaction of the court. These words "satisfaction of the court," have a clear and definite meaning in the law. It is a degree of proof lesser than the preponderance of evidence or the greater weight of the evidence. It is certainly a lesser degree of proof than would be required to establish a fact beyond a reasonable doubt. The burden of establishing a proposition such as the proposition of unconstitutional conduct on the part of a local or State jury commission should be on the one who asserts it, but if we leave this language as is now set forth in subsection (c) of section 204, we will have a situation where an accusation is made by the Attorney General or by a litigant, and then he comes into court, and they drag out everything they have to offer, and the court will say, "Now, wait a minute. There is no evidence whatever here of any discrimination on the part of these local authorities."

And, so Mr. Chairman, when that comes about and the court realizes that there is no proof, then the court reaches over the bench and points to the accused State or local community, or their representative, and says notwithstanding the fact that there is absolutely no evidence, you gentlemen are going to have to produce evidence here, additional evidence, demonstrating that there has been no denial or abridgement of rights as set forth under section 201.

Mr. Chairman, it is a nonsensical provision, and it ought to be amended as suggested in my amendment.

Mr. ROGERS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROGERS of Colorado. I understand that I have 3 minutes?

The CHAIRMAN. That is correct.

Mr. ROGERS of Colorado. May I be recognized for less than a minute, and reserve the other 2 minutes?

The CHAIRMAN. The Chair will state that the time can only be subdivided into 1-minute periods; no smaller than 1 minute.

The gentleman from Colorado does not desire recognition?

Mr. ROGERS of Colorado. Yes.

The CHAIRMAN. The gentleman will be recognized for 1 minute.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment because it is a rehash of the amendment that we just defeated, merely stated in other words.

Mr. Chairman, the issue here is what is "probable cause"; that is, "probable cause" that discrimination has occurred. That issue must be decided by the court.

Therefore, Mr. Chairman, I suggest the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER:

On page 53, lines 18 and 19, strike ", in addition to any other relief,".

On page 53, lines 23 and 24, after the word "which" strike "—(1)".

On page 53, line 25, strike "or".

On page 54, starting on line 1, strike:

"(2) is so subjective as to vest in jury officials undue discretion to determine whether any person has satisfied such qualification, or whether a basis exists for excusing, exempting, or excluding any person from jury service."

The CHAIRMAN. The gentleman from Louisiana is recognized for approximately 3 minutes in support of his amendment.

Mr. WAGGONNER. Mr. Chairman, it has been argued by the proponents that the operation of section 203 is to allow a court to fashion an order which reaches aspects of State juror qualifications which have not been found to be discriminatory.

Mr. Chairman, under the language of that section, if the court finds abridgment or denial of "any right" by the prohibition, it may order "in addition to any other relief" suspension of the use of "any qualification" which "has been applied in violation of section 201," as well as suspension of any subjective qualification which vests a jury official with "undue discretion" to assess juror qualifications.

Mr. Chairman, this amounts to an automatic triggering device that presumes such standards will be misused if any discriminatory act appears.

Mr. Chairman, it is my opinion that in view of the 33 States which include such subjective qualifications in their laws, this presumption is unwarranted. Obviously, requirements such as "good moral character" are within the scope of proper qualifications a State may impose as prerequisite to jury service.

Mr. Chairman, I submit that in the absence of evidence before the Congress of wholesale abuse of such standards the statute should be amended to allow only such relief as is appropriate according to the facts of the particular case, and should not be wholesale.

Therefore, Mr. Chairman, I ask support of this amendment.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment and I will use 1 minute of the time allotted to me and reserve the balance.

Mr. Chairman, let us get the situation straight as to what we are talking about. It has already been determined in the case that there is racial discrimination. Once that has happened, it should no longer be a game. We should not invite local authorities to try to find other ways to perpetuate the racial discrimination. The law says the relief must be appropriate. But when appropriate relief demands that we must strike down

subjective tests, that is what we ought to do. This ought not to be prolonged in a cat and mouse game. We should get on with trying cases with legally and constitutionally selected juries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 57, after line 19, insert "(E) No part of this section 204 shall be construed or used in such manner as to require any person be compelled to give evidence against himself".

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. DOWDY. Mr. Chairman, I think the fact has been lost sight of here in all of the confusion of the last day or two that this title does not have the same wording as it had when it came out of the committee.

As the committee bill came before the House, section 201 provided:

No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin, or economic status.

That does not make it a crime. It just says, "no citizen shall be excluded."

There was an amendment adopted yesterday to strike out section 201 and there is a new section written in which says:

It shall be unlawful—

That is criminal—

to make any distinction on account of race, color, religion, sex, national origin or economic status in the qualification for service and in the selection of any person to serve on a grand or petit jury in any state.

Having made this a criminal act, then we are going to give a right to the Attorney General to go into court to discover some evidence to bring whatever kind of criminal action he would have authority to bring under the wording of section 201. Then under the provisions of other sections of the bill, we are going to put the burden of proof on the accused person, the defendant, to prove he is innocent and take away from him the right of the presumption of innocence. I think it is only fair and proper that we should put some limitation in this bill along the lines of the amendment I have just offered which will preserve to that accused person, the defendant or the probable defendant, in whatever action the Attorney General is going to bring against him, the fifth amendment protection which says that no person shall be compelled in any criminal case to be a witness against himself.

It is apparent with the violation of section 201, that is what the Attorney General will be looking for—evidence to base a case on. The defendant should have the right not to be required to testify against himself.

I do not believe that any other statement is necessary in connection with my amendment. I think it should be adopted to preserve at least for ordinary people the constitutional rights guaranteed in the fifth amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the Chair recognize me at this time for 1 minute and reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, the amendment certainly does nothing more than clutter up the bill. It is not clear. It is not certain. At the same time there is no need for us to fill the bill with useless amendments, particularly here, where we are dealing with the records and papers maintained by the State, and the issue of whether or not they are sufficient to permit a determination whether discrimination has occurred. Hence the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The question was taken; and on a division (demanded by Mr. DOWDY) there were—ayes 19, noes 50.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will state to the gentleman from Louisiana that we must proceed through the list of those who have time allocated. The gentleman has used his time. If there is time left, he will be recognized.

Mr. EDWARDS of Alabama. Mr. Chairman, I ask unanimous consent that I might yield 3 minutes to the gentleman from Louisiana.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 52, line 15, through page 60, line 6, strike out all of Title II.

The CHAIRMAN. The gentleman from Louisiana is recognized for 3 minutes in support of his amendment.

Mr. WAGGONNER. Mr. Chairman, this is a very simple amendment. When we were debating title I, the gentleman from New Jersey [Mr. CAHILL], stated, I think, that a motion to strike an entire title should come after other efforts to amend the title had been made, and not at the beginning of the debate of a title. This I have done in this instance.

This amendment would strike all of title II from this proposal. Title II bars discrimination in State courts in the selection of petit and grand jurors. I feel quite sure we are going to have some support from the proponents of this legislation to adopt this amendment, especially from the gentleman from Illinois [Mr. MCCLORY], in view of his impassioned plea last week to the House to "Please let us solve all of the problems with regard to civil rights we possibly can, as close to home as we possibly can."

This affords an opportunity for Mr. MCCLORY to do what he has advocated we do, if, indeed, he meant it in the first place. It is ambiguous to the extent its proponents do not even agree. You have, the few who are here, heard the debate. It is just as bad as you have been told as you have voted down good amendments.

But more important than that, this affords a simple opportunity to every Member of this House to vote to remove the proposed interference of the Federal Government from the State and the local level in selecting petit jurors and grand jurors, if indeed you believe in the preservation of States rights.

Before I am through, let me say that I have concluded, after listening to the debate on three civil rights bills since I have been in the Congress, that there are not many of you who have any concern about States rights. Take this right today and what will you take tomorrow? Why not be men and cast a vote for local government for a change? Do not keep pointing your finger at the South. Your problems are bigger than ours and whether you believe me or not in the arena of civil rights you have not seen anything yet. The worst is yet to come and it will be outside the South too as it is now.

The CHAIRMAN. The gentleman from Illinois will be recognized for 3 minutes, if he desires recognition.

Mr. MCCLORY. Mr. Chairman, I rise in opposition to the amendment. I think that title II is a very important part of this bill, and I think the Congress should lay down guidelines for the selection of petit and grand jurors in our State courts.

I know a few years ago, in my own county, we adopted a jury commissioner system and provided for the first time for the selection of jurors from the voters registration list in a manner similar to that designated in title I of this bill and meeting the standards set forth in title II. There was a great deal of opposition and many questions were raised. In fact, a number of the lawyers and even judges of the courts objected to the system. But after it was applied and after the lawyers and the judges recognized the validity of it, it was received with great enthusiasm.

Certainly in this modern day we should provide people with an opportunity to be tried by their peers, which means tried by their equals without regard to race or color.

I think title II as presented here is a fair measure. In fact, it follows the amendment that I will propose in regard to title IV, because it requires the Federal Government in the first instance to demonstrate that the State court is not adhering to the principles set forth in title II before it can substitute its judgment or require that any change be made with regard to the State requirements.

Therefore, I believe this is a fair provision and that the motion to strike title II should be defeated.

Mr. WHITENER. Will the gentleman yield?

Mr. MCCLORY. I yield to the gentleman from North Carolina for a question.

Mr. WHITENER. Mr. Chairman, does the gentleman agree with one legal

expert who testified before the committee that under this bill, as far as economic status is involved, a millionaire on trial for shooting craps could raise the question that in selecting persons whose names are to be placed in a jury wheel, they had left out the names of paupers and hobos?

Mr. McCLORY. I do not know about the testimony that was given. I was not there at the time. I do not believe jurors should be excluded on account of race and color. That is the problem we are deciding.

I believe whether a millionaire or a pauper is on trial, a person should be entitled to be tried by a jury of his peers, which means that people are entitled to jury service without regard to discrimination on the basis of race or color.

May I add, I know that the testimony before the committee demonstrated in a number of counties in some States no Negro has ever been selected for jury service. Negroes are going to have an opportunity to serve on juries for the first time as a result of this legislation.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WAGGONNER].

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 13, noes 60.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—CIVIL RIGHTS INJUNCTIVE RELIEF

SEC. 301. Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin, such other person in his own right, or the Attorney General for or in the name of the United States may institute a civil action or other proper proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of a bond to secure compliance with orders of the court.

SEC. 302. Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deny or hinder another in the exercise of such other's lawful right to speak, assemble, petition, or otherwise express himself for the purpose of securing recognition of or protection for equal enjoyment of rights, privileges, and opportunities free from discrimination on account of such other's race, color, religion, or national origin, such other person in his own right, or the Attorney General for or in the name of the United States may institute a civil action or other proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of a bond to secure compliance with orders of the court.

SEC. 303. The district courts of the United States shall have jurisdiction of proceedings instituted under this title and shall exercise the same without regard to whether the party bringing the action shall have exhausted administrative or other remedies that may be provided by law. The United States shall be liable as would be a private person for costs in such proceedings.

Mr. ROGERS of Colorado (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of title III be dispensed with, that it be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Are there any amendments to title III?

Mr. DOWDY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 195]

Ashley	Hays	Nedzi
Baring	Holland	O'Brien
Carey	Huot	Pike
Celler	Ichord	Powell
Clark	Jones, Mo.	Resnick
Clevenger	Karth	Rogers, Tex.
Conable	King, N.Y.	Rooney, Pa.
Dent	Kirwan	Rosenthal
Derwinski	Kupferman	Roudebush
Edwards, La.	Landrum	Shriver
Ellsworth	Leggett	Smith, Calif.
Evins, Tenn.	Macdonald	Toll
Fallon	Mackie	Tuten
Fogarty	Mize	Vigorito
Gray	Morris	Willis
Hall	Morrison	
Harvey, Ind.	Murray	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765, and finding itself without a quorum, he had directed the roll to be called, when 383 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 60, starting with line 7 the word "TITLE", strike out all the language down to and including page 61, line 18, the word "proceedings".

Mr. POFF. Mr. Chairman, my first two categorical statements with reference to title III are: First, that it was not requested by the administration and did not appear in the bill introduced in the Congress at the request of the administration; and, second, that title III, as it now appears in the bill, was never the subject of committee hearings at any point, either by the subcommittee or the full committee.

Having said that much, I believe it is important to review the history of title III since it was first conceived in 1957.

I pause parenthetically to say that the title III included in the bill in 1957 is not the same as title III which now appears in the bill.

In 1957 the bill passed the House of Representatives but was rejected in committee in the Senate.

In 1960 when the civil rights legislation was under consideration the matter lay dormant.

In 1963 title III was included in the original bill but was limited in its application to the desegregation of public facilities and the power of the Attorney General to intervene in equal protection cases.

In 1965 the gentleman from New York, now the mayor of the city of New York, Mr. Lindsay, offered what came to be known as a free speech amendment, and that amendment, which was in some respects similar to title III, was rejected in the Committee of the Whole House on the State of the Union.

However, I would not want it to be thought that there is any exact parallel between the title III as it has been considered on the floor of the House heretofore and title III as it appears in the present bill. Title III as it appears in this bill is infinitely broader in concept, in coverage, and in consequence than the original title III.

Let me be specific.

First, in 1957 the Attorney General was empowered to bring a lawsuit for an injunction in advance of a wrongful act, but he could do so only against persons who were acting under color of law. Title III in the bill today would permit the Attorney General to bring such suits against any person, including a private citizen, whether or not acting under color of law.

Second, in 1957 the title was restricted essentially to the power on the part of the Attorney General to bring suits for the purpose of desegregation of public facilities. Today there is no such limitation; rather, the Attorney General could bring suit for an injunction on his own motion and without complaint on the part of the aggrieved private citizen to protect any right, privilege or immunity granted to citizens by the Constitution or by the laws of the United States.

Third, in 1957 a private citizen was not granted the authority to bring this rather unusual suit, in advance of the wrongful act, for an injunction. Title III of the bill today would permit not only the Attorney General but the private citizen as well to bring this extraordinary action in the courts.

Finally, since 1957 many new laws have been added to the statute books, and for that reason the application and the consequences of title III would be infinitely broader.

Let me explain in more explicit detail what I mean by that.

Under the public accommodations title of the Civil Rights Act of 1964 the Attorney General was empowered to bring the suit, but he was empowered to bring that suit only in the event he could show that there was a pattern or practice of discrimination on account of race, religion and so forth.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. POFF was allowed to proceed for 2 additional minutes.)

Mr. POFF. However, if title III of the present bill is passed, the Attorney General will have the power to bring the suit on account of any single act or practice on the part of any single individual.

He would not be required to establish that there was a pattern or practice of discrimination.

Now, bringing the matter nearer to home, if title IV of the bill, which we will hopefully consider tomorrow, is enacted, it would be possible for the Attorney General to bring a lawsuit under title III of this bill against any individual in advance of the commission of a wrongful act. He would not be required to wait, under title III, as he would under title IV, until the wrongful act is committed, but rather can proceed to bring the suit in advance of the commission of the discriminatory housing practice.

Finally, section 302 of this title is a new form of another perennial civil rights measure. It proposes injunctive relief to protect certain first amendment rights but only in civil rights contexts. It has been rejected in earlier bills considered by the Congress and should be rejected again. There is no need, I suggest, to create a preferential class of first amendment rights. Why should one person threatened with the loss of the right of free speech or free press be denied the services of the Attorney General while another person under this bill would enjoy those services if a civil rights confrontation is involved?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. POFF. If I have any time remaining, I am happy to yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly agree with my colleague and friend from Virginia that this was not a title that was requested by the administration. I hardly think that, however, is an argument which would have a great deal of weight with him, and I am surprised that it is one which is advanced. It is, however, the same title III introduced by approximately 20 Members of the House on this side of the aisle earlier this year and in advance of the administration's civil rights proposals for this year. It is a title which is advocated as necessary by those actively working in the field of civil rights. In its first section it provides broad injunctive relief for persons threatened with the denial of equal rights and protection and affords the Attorney General the power to bring suits for injunctive relief.

Our distinguished friend from Virginia complains that there have not been hearings on this title. I think, however, if there has ever been a legislative proposal which in its broad outlines has been thoroughly heard and discussed on both sides of the Capitol, it is title III or part III. It had its inception during the Eisenhower administration in the 1957 act, which was a broad act and much broader, for instance, than the Lindsay free speech amendment of last year. It has been the subject of numerous statements before the Committee on the Judiciary as well as debated on the floor of the House in the past. I think you cannot say in fairness that there have been no hearings on the principle, although I certainly concede as to this particular language it has not been heard this year. The principle has been repeatedly debated and discussed. In the words of our distinguished colleague in the other body, it is an idea whose time has come. In comparing it with the 1957 act which passed this House under the leadership of the distinguishd gentleman from Ohio [Mr. MCCULLOCH], the ranking minority member of the Committee on the Judiciary, and the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], I think you can see a very clear historical relationship. At the time of introducing the free speech amendment last year, the gentleman from New York, Mr. Lindsay, said that the 1957 act covered Bill of Rights contests from A to Z.

And that was correct. And this does no more than that. It covers the Bill of Rights guarantees from A to Z, and that is what we want to do, and that is what we ought to do. That is all we have a responsibility to do.

Now, Mr. Chairman, the point has been made that this imposes or grants to the Justice Department extraordinary powers.

Let me say, Mr. Chairman, that I do not recall ar. Attorney General coming before us and asking for any extraordinary powers.

On the contrary, Mr. Chairman, this is an obligation which the Congress may impose upon the shoulders of the Attorney General, and we expect him to carry it out in a responsible way.

Now, again, Mr. Chairman, touching upon the argument that this is not the 1957 act, of course it is not. This year's title III is an updating of the original proposal. It is designed to implement and supplement title V which affords the protection of criminal laws for certain specified activities, protected by Federal laws and by the Constitution.

Accordingly, Mr. Chairman, title III would do two things. One, it would allow preventive relief to preclude the application of force and violence in those cases where it was clear that such force or violence was bound to occur. The argument is sound that in such basic matters a citizen should not need to be made to suffer a crime if it is foreseeable and if it can be prevented by timely court action. This is, in a sense, the application of the doctrine known to all lawyers of the last clear chance when it can be seen that a collision is about to occur. Under this title you can apply for an injunction before the impact and you can prevent the collision from occurring.

Mr. Chairman, that is certainly better than indicting someone for the commission of a crime and punishing him as a criminal. A criminal conviction of the offender is small comfort to those who have suffered irreparable physical and material damage after the fact, especially when the ounce of prevention may be available.

Mr. Chairman, we have the last clear chance here to avoid these crimes and, through the adoption of this title III, we have got to embrace that chance.

Mr. Chairman, title III would also apply in those situations where force or violence was not contemplated, but the same rights as specified in title III were sought to be interfered with by other means.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield at that point?

Mr. MATHIAS. Yes, I yield to the gentleman from South Carolina.

Mr. ASHMORE. Mr. Chairman, If the Attorney General should conclude in his judgment that he has reasonable grounds to bring an action against some citizen and the case went to court and was tried and the citizen who was so charged with violating the law under those circumstances were acquitted, is there any provision contained in this proposed law whereby that citizen, the aggrieved citizen, who had been unjustly and unfairly accused of this act, or of doing these things, what right does he have against the Attorney General?

Is there anything contained herein to protect his rights?

Mr. MATHIAS. Let me respond to my good friend, the gentleman from South Carolina [Mr. ASHMORE], by saying that I first of all can hardly accept the judgment of the question that the gentleman has asked, because the gentleman has talked about someone being charged with a crime and accused and acquitted.

This is not a criminal section. This is a section which provides injunctive relief. It is a matter in equity. It is a civil matter. The very purpose is to avoid getting down into the criminal area.

Mr. ASHMORE. Mr. Chairman, if the gentleman will yield further, what if the citizen wins the civil suit?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MATHIAS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield further?

Mr. MATHIAS. I yield further to the gentleman from South Carolina.

Mr. ASHMORE. I disagree with the gentleman from Maryland. Where there is a crime, and if he performs these actions in such a manner that he becomes in contempt of court within a criminal suit, but probably he wins the civil suit, does he have any relief against the Attorney General who has unjustly and unlawfully and unrightly accused him of committing the offense?

Mr. MATHIAS. Well, of course, the United States—under the language of the bill, section 303—the United States would be liable as a private person would be for the cost of such proceeding.

Mr. ASHMORE. Oh, the cost, but that has not anything to do with reputation or character, and when he has

proven his good character. He has been damaged by the Attorney General of the United States.

What right would he have to recover?

Mr. MATHIAS. May I respond to the gentleman from South Carolina to the effect that we all, of course, the gentleman from South Carolina and myself, and all of our colleagues, are open to accusations of many kinds. The courthouse doors are open every day. If we are discharged from liability, either under a civil or a criminal action, we do not necessarily have any particular recourse against those who brought the actions against us, in the absence of special circumstances.

This is one of the obligations of living in a civilized society.

Let me say that this title also might apply to cases of economic coercion which are particularly prevalent in some sections of the country.

Mr. Chairman, there was the recent news story concerning the eviction of the tenant farmers who were evicted because of the way they voted and in some cases merely because they voted.

Another example is the case of the woman who was fired by her employer for the sole reason that she sent her child to a segregated white school.

Mr. Chairman, these are the unusual cases which can be reached by the flexible injunctive method.

I think it is better to take preventive action in order to try to prevent a crime rather than rely on the punitive action of the law after the crime is committed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The question was taken; and on a division (demanded by Mr. ASHMORE), there were—ayes 34, noes 66.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 60 at the end of line 21, add the following:

"(b) Whenever there are reasonable grounds to believe that any person, basing his action on his race, color, religion, or national origin, is about to engage or continue to engage in any act which would deprive another of any right, privilege or immunity granted, secured or protected by the Constitution or laws of the United States, such other person in his own right, or the Attorney General of the State or States in which the act is about to be committed or in which it is being continued, for or in the name of his State, or the Attorney General of the United States for or in the name of the United States may institute a civil action or other proper proceeding for temporary or permanent preventive or mandatory relief, including application for temporary restraining order or preliminary injunction, permanent injunction, or order requiring posting of bond to secure compliance with orders of the court."

Mr. DOWDY. Mr. Chairman, I feel that title III should have been stricken from the bill but since it was not and since it places greater and heavier burdens and chains upon the law enforcement officers of our various cities, counties, and States in trying to preserve the peace, it is only right that this bill should cut both ways. So anyone who is claiming to act in furtherance of his civil rights, supposedly, and imposing himself upon other people and depriving them of their rights and privileges and immunities, at least those people who are being so imposed upon should have the same injunctive relief to protect them as the rioters and looters have to protect them. So this amendment is designed to make the bill cut both ways. This amendment is an antirioting amendment.

Mr. Chairman, I think if I review a few statements that have appeared in the newspapers in recent days and weeks, it will show that this amendment is required under the circumstances.

Talking about the last clear chance, as did the gentleman from Maryland, this might be the last clear chance, if this bill passes, that we will have to provide for any kind of protection from rioters and looters.

Stokely Carmichael said, according to an article that appeared in the Washington Star early last month, in describing this so-called rights bill—he described it as totally useless and totally unnecessary. He spelled out his views in a detailed statement to the leaders of other civil rights groups in that he let it be known that there were going to be more riots and demonstrations which would include the rioting, looting, raping, and arson that has been going on.

He said this:

Any civil rights organization or Congressman who works for passage and any legislator who votes for this bill that we have under consideration here is sharing in the hypocrisy of the administration that is asking for the bill.

About the middle of last month they had some killings out in Chicago. In connection with those killings out there, the Chicago Police Superintendent said:

The time may come when the law-abiding citizens of this country will have to live in walled communities.

That was the same day on which the nurses were killed and street mobs were rioting for the second straight day, and when the civil rights spokesmen were preaching the doctrine that laws that one regarded as unjust may be violated with impunity, and he was encouraging the lawbreakers to raise cries of "police brutality."

I say that the police have enough tasks on their hands today without being further burdened with the provisions of this bill in trying to control criminal activity, and without being forced to divert their energies to the suppression of widespread disturbance and disorder. I am certain that the Chicago Superintendent of Police and his department have made all the efforts they can to preserve the peace, and at least they deserve the cooperation of all persons instead of having to defend themselves from the acts of Congress and attacks from the rear in their endeavor to carry out their duties.

There was an editorial in a Florida newspaper in which the editorialist commented about the situation in Chicago in the past few days, and they said:

What we have witnessed in Chicago the past few days, and to a lesser degree elsewhere, is nothing less than anarchy. If such outbursts had been stirred up by the Ku Klux Klan or by some white extremist groups in the South, we can be quite sure that . . . the liberal elements in Congress would be fulminating with anger, and that preparations would already be under way to dispatch federal troops into the affected areas to protect personal property and help preserve law and order.

But nary a word of condemnation has been heard . . . in regard to these racial blowups. It is almost as if violence-prone Negro elements of our population have been given immunity to do whatever they care to do in order to display their contempt for the law and their hatred of a social order they want to change regardless of who gets hurt in the process and what harm is wrought on the nation.

Mr. WELTNER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Mr. Chairman, may I have 5 additional minutes?

The CHAIRMAN. The gentleman from Texas asks to proceed for an additional 5 minutes. Is there objection? The Chair hears none, and it is so ordered. The gentleman is recognized for 5 additional minutes.

Mr. DOWDY. I yield to the gentleman from Georgia.

Mr. WELTNER. Mr. Chairman, I wonder if the gentleman would state whether or not his amendment would cover a suit for an injunction against an organization—the Ku Klux Klan—which would be engaged in efforts to deprive citizens of their rights under the Constitution?

Mr. DOWDY. I think that probably would be covered in the other part. My amendment goes only to those people who are claiming to act in preservation of their civil rights and injuring other people and, I do not know, if the claim was made that they were so acting, I suppose it would bring the Ku Klux Klan under my amendment, it would. However, my amendment is intended to cover depredators who seek to justify their misdeeds under the color of civil rights.

Now, to continue the editorial——

Mr. MATHIAS. Mr. Chairman, will the gentleman yield for a question?

Mr. DOWDY. I yield to the gentleman from Maryland.

Mr. MATHIAS. Do you have the language of your amendment before you?

Mr. DOWDY. Yes.

Mr. MATHIAS. Will you tell us exactly who would be empowered to take this action under your amendment?

Mr. DOWDY. The same as in your proposal. It would affect other people, except I would also give the State attorney general the same rights.

Mr. MATHIAS. Would the amendment then have the effect of legislating for State governments and adding additional powers to the State attorney generals which they may not have under the individual codes of the several States?

Mr. DOWDY. No, I do not think so, no more than giving to private persons a right to act. I am just trying to prevent the Attorney General——

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I want to continue reading from the editorial. I do not think the gentleman could add anything to what I am saying. I will continue to read from the editorial:

> Instead of condemnation and a blunt demand for an immediate halt to this violence, we get putrid silence. And instead of local police authorities being praised for risking their lives to put down these inexcusable riots, we get more of the pap that the police are being unnecessarily brutal in the tactics used to prevent themselves and others from being killed.

About a week ago there was in the Christian Science Monitor a picture of Roy Wilkins, under which he is quoted as saying:

> The 1966 civil rights bill "will not be sufficient" to prevent "heartbreaking developments that could be ugly as well."

We are getting the statements from these people that they intend to riot more. Roy Wilkins seems to frown on the riots, but his statement would have the tendency to encourage them.

The Congo radio a few days ago was commenting on the troubles in Belgium between the Walloons and the Flemings. The Congolese Ambassador in Brussels said he "had been alerted by his Government because of the latter's anxiety about about the fate of Congolese living in Belgium in the wake of the tribal conflicts and acts of banditry, of which the country is the scene." The radio added that terrorism, banditry, and anarchy were still in full swing in Belgium "where tribal incidents continue to rage."

I wonder how long it will be before Timbuktu is going to be saying the same about United States and insist on sending their troops here on the claim to protect citizens of their country from terrorism, banditry, and anarchy rampant in America.

This is the one danger in these bills, and this bill in particular: They promise the minority groups a complete world. They are being told that by their own leaders and by politicians generally. They are promised that someone will get them a job, someone will rebuild their cities, someone will take care of their families, and someone will give them equality. That someone, of course, is the Federal Government. They have been told that by Federal officials. The politicians tell them that the minority group's role is to threaten the Government and the Government will do the rest.

These promises about giving them everything, of course, are impossible promises. They are the more so because these groups are led to believe that their gratification will come to them instantly and easily if the bills were passed. Of course, it is mostly a dream. It is the stuff of which political victories are made.

The laws and programs we have passed already—and this will be another one—have better served the politicians who have invented them than they have served their supposed beneficiaries. So who would be surprised at their disappointment and distress?

We have seen some changes going on in our country.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that I may have 2 more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ROGERS of Colorado. Mr. Chairman, I object.

Mr. DOWDY. I am going to yield to the gentleman.

Mr. ROGERS of Colorado. No, no.

Mr. TUCK. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. TUCK. Mr. Chairman, I yield to the gentleman from Texas [Mr. DOWDY].

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. DOWDY. Mr. Chairman, I do not have the time.

There have been some changes going on in the country here, and those changes in style are quite astonishing. Let there be a riot, for instance, and the questions immediately raised are not how to help the police contain the riot, but how to improve the life of the rioter so they will have something else to riot about.

If you let a footpad knock off a citizen in the park, knock him down and kill him, or knock him about, then he is apprehended and confesses to the offense he has committed, the important question in law is not what punishment this act merits, but simply whether or not the criminal had a lawyer before he talked.

Since we have the law in this country in such shape as that, the only thing we have left, the "last clear chance" mentioned heretofore, is to put these protections in this bill—which bill I do not like—to try to see if we can preserve some little right for the great mass of people here in the United States who are law abiding and who try to live right and who try to do right by everybody.

I believe the amendment should be adopted. I am grateful to my friend, the distinguished gentleman from Virginia, for yielding to me some of his time.

Mr. TUCK. Mr. Chairman, I am glad to speak in favor of the amendment offered by the gentleman from Texas.

I have not had much to say during this debate because I wanted others to have a full opportunity to be heard.

I consider this the antiriot amendment. I hope that it will be adopted.

The Committee has just agreed to title II, which in effect will deprive the localities of the power to enforce the law and to suppress public mischief. The Federal Government is not in a position to keep the peace. Title II is an insult to every trial judge in America. And in tampering with the jury system, in effect we have polluted the pure stream of public justice.

As I said, if we are going to have this legislation I consider it highly important that we have legislation of a character that will enable the Attorney General of the United States as well as the various attorneys general of the States of the Union to take such steps as are necessary to suppress the incendarists; the anarchists who are running rampant through the land and spilling the blood of our people on the streets.

A vote against this amendment in effect is a vote for the riots in Chicago, for the riots in Los Angeles, for the riots taking place elsewhere in this country.

For my own self, I want to go on record publicly as condemning these riots, and I am opposed to those who favor the continuation of them.

I am astonished that so many good people in this country have by their words and by their acts given encouragement to these riots. Even, in some instances, members of the cloth have undertaken to give to these outbreaks the sanction of the church. I just cannot understand it. I know that law enforcement will break down unless these lawless demonstrations are stopped.

I have had some experience with law enforcement. I know that the first function of government is the enforcement of law and the suppression of public mischief. It can be done only at the local and State level, and unless the local people have the authority to enforce the law and are supported by the Justice Department it will be impossible to do so.

I regret to have to say what I am about to say, but in one of the cities of the great congressional district which I have the honor to represent we had strife of this sort brought on by outsiders some years ago, and agents and minions of the law from Washington came down there and impeded the law enforcement officers of that locality in the enforcement of the law. Responsible citizens in the city to which I have referred will substantiate the statement I have made. It was a sad situation to observe Federal officers occupying such a role.

I deprecate such action. I condemn it. I want it known I do not stand for it.

Thank you very much.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

I am sure that all of us who support this bill deplore riots and deplore lawlessness. I am sure this is not what we are trying to encourage.

What we seek to do is to insure that an individual's rights are protected against deprivation on account of race, color, religion or national origin.

If I understand the gentleman's amendment correctly, it would make it possible for the attorney general of a State or any person to seek civil relief against any person who bases his suit on race or color. This in my opinion would controvert the whole purpose of this section.

Frankly, I do not see what the gentleman intends or plans to achieve by this except to defeat the fundamental purpose which we are here trying to achieve in title III. For that reason, Mr. Chairman, I oppose the amendment.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. DOWDY. By his statement is the gentleman saying that the rest of the

people, other than the minority groups, have no rights in this land to have their civil rights protected from someone who is unlawfully invading their lawful action and basing the invasion on the fact that they are making a civil rights demonstration?

Mr. RODINO. No, the gentleman knows——

Mr. DOWDY. That is all my amendment does. It used the identical words that are in the bill. It just switches them around to give other people the same protection that you are giving to the minority groups. If you complain about the words here, you have to be complaining about your own words.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. ROGERS of Colorado. First of all, let me say if there is an attorney general of a State throughout the United States who wants to enforce this particular law as it concerns rioting and disturbances of the peace he can do so without any act of Congress. Secondly, this amendment is essentially a confusing conglomeration of things to try to mislead us to the true intent and purpose of title III. Hence, I urge that we oppose the amendment.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Maryland.

Mr. MATHIAS. I rise in opposition to this amendment. I think it is an unnecessary incrustation on the whole object we are seeking to achieve here. We are trying to provide a logical forum, and I think we have provided it in title III. I certainly oppose the amendment of the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman.

Mr. DOWDY. The gentleman from Colorado said that he was confused. I think the whole Congress is confused about this bill, but I think if we are going to open the Federal courts to one group, then the other group should have the same privilege of using the Federal courts in order to protect their citizen community.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. RODINO. Yes. I yield to the gentleman.

Mr. ROGERS of Colorado. May I say to the gentleman from Texas if his attorney general believes that the legal rights are taken away from the citizens of his State, he undoubtedly has a right to proceed without any action of the Congress. Whenever you and the gentleman from Virginia say that this is an antiriot amendment, I wish to suggest that it is just to the contrary. All that title III does is say that the Attorney General in his endeavor to protect the constitutional rights of an individual, may constitute an action to achieve that result.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas.

Mr. Chairman, heretofore in this House we have seen, as in the 1965 Voting Rights Act, an effort to legislate primarily toward, or against, one region of the country rather than facing up to a national problem and having one standard of Federal law. It seems increasingly apparent that the problem with which we deal in this bill is in fact a national problem. Yet in this instance it seems to me that we are asked to have a double standard as to whose rights are protected by this bill. I think that the gentleman from Texas offered a good amendment which offers protection on both sides of this question. Those ministers and public officials who have preached the rightness of civil disobedience in our country in recent years have thrown discretion to the winds and the whole Nation now reaps the whirlwind of rioting and lawlessness.

The doctrine of civil disobedience and that which has come from it—rioting and looting and lawlessness—are in opposition to what it seems to me Christianity ought to stand for and the opposite of the whole American system of law and government. I cannot see how we can improve our system by tearing it down and encouraging those who would operate not through due process of law but through flaunting the whole framework of law within which our liberty has been rooted and been nourished and grown to full blossom in this country.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Not at this point.

I would say, therefore, Mr. Chairman, that I support this amendment and the principle upon which it is based, that there should be one standard of law in this country and the civil rights of all of the people of this country should equally be protected by Federal law, and that every region and section of the country should equally be protected by Federal law. There should be no double standard of justice here, and we should be equally firm and equally strong in dealing with rioting and lawlessness and protecting the innocent people who walk the streets of our cities from the prophets of civil disobedience and those who follow them, if we are to protect them against any form of injustice.

Mr. Chairman, I believe the people should be protected against violence, or against threats to their constitutional rights, on the part of such a group as the Ku Klux Klan. And, Mr. Chairman, I believe they should also be protected from the abuse and privileges and from infringement upon their rights on the part of such people as the "Black Panthers" and all other groups which preach or practice civil disobedience, riots, and lawlessness.

Therefore, Mr. Chairman, I support this amendment and urge its adoption.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes, I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I want to thank the gentleman from Alabama for yielding, and I too support the amendment.

I think that such action in behalf of the majority of Americans has been long overdue.

Some of our colleagues seem to be so concerned with protecting the rights of certain minorities that they wish to trample underfoot and ride roughshod over the rights of the vast majority of our citizenry. The amendment offered by the gentleman from Texas would afford some real protection to the merchants and businessmen in Chicago, Cleveland, Brooklyn, and other unprejudiced and enlightened northern cities upon their request.

Equal rights must necessarily carry with them equal responsibilities. For every duty there is an obligation. Where in this section, or in all titles of the bill for that matter, is there any safeguard or protection given to the decent, law-abiding American? Title III grants injunctive relief to so-called "civil rights workers," which in fact really enables them to disregard the law of the land and to take away the many substantial rights of the majority. No relief is provided for the average person who seeks only to protect what he owns or leases. This proposed amendment would remedy that situation and guarantee equal protection and justice for all under this title. I urge its passage.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion leads me to ask some of the promoters of this bill on the House floor, on what page or pages of the bill is there to be found protection for the merchants in Cleveland, Ohio, or Chicago, or Brooklyn, N.Y., whose stores have been looted and burned in the process of so-called racial demonstrations?

Mr. Chairman, would someone on the committee please tell me where I may find that provision?

Mr. ROGERS of Colorado. If the gentleman will yield, does the gentleman have the bill in front of him?

Mr. GROSS. Yes; I have.

Mr. ROGERS of Colorado. Would you read section 301?

Mr. GROSS. What page?

Mr. ROGERS of Colorado. Sixty.

Mr. GROSS. I beg the gentleman's pardon.

Mr. ROGERS of Colorado. Page 60, section 301:

> Whenever, there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which will deprive another of any right, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States on account of such other's race, color, religion, or national origin, such other person in his own right or the Attorney General for or in the name of the United States may institute a civil action—

Now, Mr. Chairman, the Attorney General may institute an action. We are also giving the authority to the merchant, or any individual to institute such an action and ask for an injunction.

Mr. GROSS. All right; all right. But in other provisions of the bill you make it mandatory upon the Attorney General to take action.

Mr. ROGERS of Colorado. No.

Mr. GROSS. You make it mandatory upon the Attorney General to move in, do you not?

Mr. ROGERS of Colorado. No, sir.

Mr. GROSS. Why do you not make it mandatory that the rights of the property owner be respected?

Mr. ROGERS of Colorado. In this particular case?

Mr. GROSS. Yes.

Mr. ROGERS of Colorado. We say that when he has reasonable grounds to believe——

Mr. GROSS. Well, all right. You also have reasonable grounds in other provisions of the bill.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. Intent, and reasonable grounds.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. But why do you not make it mandatory that the Attorney General move in to prosecute those who have violated the rights of property owners, the merchants, and others who are victims of demonstrations?

Mr. ROGERS of Colorado. We do not make it mandatory.

We leave it to his discretion, in all lawsuits, as the attorney for the United States, and under this provision we make him an attorney for you, if your rights are being taken away from you.

Mr. GROSS. And you say that in no other provision of the bill is it mandatory upon the Attorney General to move in?

Mr. ROGERS of Colorado. Not in this section.

Mr. GROSS. I am not talking about this section. I am talking about the bill.

Mr. ROGERS of Colorado. Well, I do not know of any that makes it mandatory for him to take action.

Mr. GROSS. You do not know of any?

Mr. ROGERS of Colorado. No.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. DOWDY. I am not sure I understood the question which the gentleman asked. Of course, along with the other misrepresentations——

Mr. GROSS. The question I want answered is whether the merchant in Cleveland, Ohio, or Chicago, or Brooklyn, New York, or some other place—the Watts district of Los Angeles—whether there is any protection in this bill for him.

Mr. DOWDY. Not a scintilla unless my amendment is adopted.

Mr. Chairman, I might add to what I have said in connection with that, I know these misrepresentations are made as to what is in the bill because the bill has not been read by the speaker each time.

But the bill does not require that the Attorney General to have a request to go into these cases; no request is required. He can go in and protect the rioters. But if you try to protect yourself from the rioters or the looters; the Attorney General can go in and protect them from you, but you have no protection against the rioters and the looters, rapists and arsonists under this bill unless my amendment is adopted.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I noted that the gentleman from Colorado read section 301 and he said, properly, it provides that you can try to deprive another of any right.

The gentleman I know is familiar with the fact that the Supreme Court has held, and many of the other courts have held—that a man and woman had the right to marry anybody they want. I am wondering if the gentleman from Colorado feels that a father who is counseling his son or daughter not to marry someone that the son or daughter thought they wanted to marry could be subject to a lawsuit by the Attorney General.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, if it is in violation of the Constitution of the United States. But this deals with immunities and rights protected by the Constitution. I may point out, if the gentleman will yield further, in title II we say that the Attorney General upon reasonable grounds may institute an action to end jury discrimination.

Mr. Chairman, I was trying to point out to the gentleman from Iowa that even under title II where broad authority is given to the Attorney General to institute suits where there is discrimination in the selection of jurors, we make it upon reasonable grounds. We say he may institute suit.

Mr. GROSS. Mr. Chairman, was not the gentleman appalled when he saw the pictures of the rioters coming out of the stores in Clevelond, Ohio, and elsewhere with merchandise?

Mr. ROGERS of Colorado. Certainly.

Mr. GROSS. With their arms loaded with stolen merchandise? And having looted the stores they set them afire.

Mr. ROGERS of Colorado. I will join you in saying that I was just as appalled as anybody. But if you do not have something like this so that the Attorney General may have some authority to move in in these cases and under such conditions, then what is wrong with us passing legislation that would help to prevent that?

Mr. Chairman, I am just as opposed to rioting as anybody is.

Mr. GROSS. Mr. Chairman, I predict this bill will not stop the looting and arson and I want to be sure that the Attorney General moves in to protect the rights of the property owners. I want him instructed to move in if that is what it takes to provide equal rights for them.

Mr. ROGERS of Colorado. You want this to be stronger? You want to compel the Attorney General to do this?

Mr. GROSS. In the case of a property owner, yes, sir, I certainly think he should have equal rights under this or any other law. In view of what has taken place in the last few months and weeks, I do not understand how the Judiciary Committee could bring to the floor of the House a so-called rights bill that failed to recognize the terrible injustices that have been the fate of so many property owners as the result of demonstrations.

Mr. KORNEGAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to put a question to the gentleman from Texas [Mr. DOWDY].

If I understood you correctly, you said under title III, as reported out of the committee, that it would protect the rioters, the looters, the arsonists, the rapists, and the murderers, but would not protect the innocent, law-abiding citizen whose rights have been violated?

Mr. DOWDY. That is exactly right.

Mr. KORNEGAY. Would your amendment extend protection to the innocent parties to these riots and violations?

Mr. DOWDY. That is the only purpose for my amendment.

Mr. KORNEGAY. Then I want you to know I strongly support your amendment.

Mr. DOWDY. Thank you, sir.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was very much interested in the replies given to the gentleman from Iowa by the gentleman from Colorado. I wonder if I can pursue this merely to get some more legislative history here.

Mr. Chairman, certainly I do not see anything wrong in trying to perfect this bill to a point where the Congress of the United States is going to establish the doctrine that equal rights beget equal responsibilities.

I realize that some people become impatient with the established institutions and established order of this country.

Mr. Chairman, I believe I was among the first Members of this Congress to speak out against what I called mobocracy. Since I have spoken on this subject several times, other distinguished people have joined me including the latest recruit, in a marvelous speech, calling upon the people to respect the law, the President of the United States himself.

So I should like to ask the chairman, do I understand him correctly, in response to the question by the gentleman from Iowa, the gentleman from Colorado said that if a riot is to occur and a merchant in Ohio or in Cleveland or in Chicago feels that there is going to be damage to his property, he has the right either on his own behalf or by the Attorney General to seek an injunction? Do I understand the gentleman correctly in making that statement?

Mr. ROGERS of Colorado. That is correct; if there is a deprivation of a Federal right.

Mr. PUCINSKI. This language does not say that. On page 60, line 14, the language is "on account of such other's race, color, religion, or national origin."

Supposing a group of people should get together and stage a riot, and they have

nothing against the people of the community because of their race, color, religion, or national origin. I would say that you would have to show to the court, before you could get injunctive relief, that this riot situation was started by the group of rioters on account of race, color, religion, or national origin. You would have to show this before any court could entertain an application for injunctive relief. So would it not be correct to say that the gentleman is not stating the case correctly when he says that an injunction like that would not lie?

Mr. ROGERS of Colorado. Of course, the action is based upon the denial or abridgment of a Federal right because of race, color, religion, or national origin.

Mr. PUCINSKI. How are you going to prove that? Let me give the gentleman two hypothetical situations. First, in Watts there was a riot and the chant of the crowd was, "Get Whitey." I would say with that situation this provision would lie and someone could go into court and say, "This riot is being staged against these people. There is an invasion of the white man's rights. The basis of this riot is to 'Get Whitey.' This is being staged on account of another person's color; therefore injunctive relief would lie." Would that not be correct?

Mr. ROGERS of Colorado. That is correct, if in addition to the racial motivation, there is a denial of a right secured by the Constitution or the laws of the United States.

Mr. PUCINSKI. Let us take another situation. Let us say that 200, 400, or 2,000 people at 5 o'clock this afternoon march down the middle of the street during the rush hour, tying up traffic and everything else, to protest this, that, or the other. Now, they have not said anything about race, color, religion, or national origin, and a riot develops and huge damage to property ensues. How would the gentleman stretch the application of this limited provision here to get that injunctive relief?

Mr. ROGERS of Colorado. As I understand the gentleman's question, a group is marching down the street?

Mr. PUCINSKI. That is correct.

Mr. ROGERS of Colorado. And there is no connection between this march and race, color, religion, or national origin?

Mr. PUCINSKI. That is correct.

Mr. ROGERS of Colorado. And it does not violate any Federal law?

Mr. PUCINSKI. At the time of the announcement it does not.

Mr. ROGERS of Colorado. At the time of the announcement it does not.

Mr. PUCINSKI. But during the course of the march a big riot ensues and great damage is done on both sides. How does this provision provide injunctive relief to the community against that kind of demonstration?

Mr. ROGERS of Colorado. It does not.

Mr. PUCINSKI. I wanted to get that straight.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

Mr. PUCINSKI. Now, if the gentleman will be good enough to answer the next question, following the doctrine that equal rights beget equal responsibility, why does your committee not come up with a committee amendment to give the communities of this country the right of protection against these riots?

Mr. ROGERS of Colorado. How can we anticipate, and how can you anticipate when a riot is going to break out?

Mr. PUCINSKI. If I understand the amendment before us correctly, you would have the district courts to make that decision, would you not? In other words, if the gentleman's amendment is correct, if I read it correctly, what he is saying is that I or anyone else who feels that a demonstration will lead to disastrous consequences can go into court and seek injunctive relief and the court will decide upon the peculiar circumstances of that particular situation whether an injunction shall lie. Remember the moving party would have to prove to the court that the demonstration is more than just a petition for redress of grievances. But at least you would have an opportunity to seek relief if you believe a demonstration will lead to violence.

I am sure the gentleman will agree that a court would require compelling proof in support of an injunction before it took the extraordinary measure of stopping a demonstration. But if such proof is available, a community should have injunctive relief to protect itself against rioting.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 2 additional minutes. Is there objection? The Chair hears none, and the gentleman is recognized for 2 additional minutes.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I will in a second. Is it not correct that if the amendment were to prevail, you would still have the Federal court, not a State court but a Federal Court, protecting the rights of the demonstrators and protecting the rights of the potentially aggrieved party? Is that not correct?

Mr. ROGERS of Colorado. I will not agree that the gentleman's amendment would do that.

Mr. PUCINSKI. Why would it not do that?

Mr. ROGERS of Colorado. First, the amendment authorizes suits by the States' attorneys general.

Mr. PUCINSKI. But the procedure must originate in a court, does it not? No injunctive relief can be granted without court approval and a full court review of all the facts. If I understand the amendment correctly, you are putting this into a Federal district court, are you not?

Mr. DOWDY. That is correct.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Oklahoma.

Mr. ALBERT. It comes down to this, does it not: The authority of the Federal Government, based upon constitutional provisions, protects the people against discrimination and deprivations on account of race, color, and so on.

That is why we cannot necessarily go the full length and breadth of protection of property rights of people as against mobs. Is that not right, or am I misinformed?

Mr. PUCINSKI. Just a minute. I am not sure I understand the distinguished majority leader correctly, because what the proposal here will do is attempt to establish some equilibrium in determining, as I believe the law should determine, the rights of individuals. But certainly this bill would be strengthened if we also coupled with that equal responsibility.

When we have riots all over America, running wild and doing millions of dollars worth of damage, the gentleman cannot tell me this is an expression of equal responsibility.

Mr. ALBERT. If the gentleman will yield further, can the Congress in protecting rights go beyond those areas in which the Constitution confers the power upon us to do so?

Mr. PUCINSKI. I am not suggesting that; but the Congress and the Constitution carry provisions for the protection of life and property. Our whole legal system is based on that concept. I see no constitutional bar to the proposed amendment. The amendment before this Chamber is to let a court of proper jurisdiction establish and determine whether or not any constitutional rights are being deprived to either party; those who want to petition for redress of grievances by peaceful demonstrations as well as those who fear such demonstrations will lead to violence and destruction of their property. Right now, as far as I know, there are no State laws permitting such injunctive relief. The only recourse under State law is to seek punishment for conspiracy or prosecution for inciting to riot after the fact. But such prosecution is meaningless to the people who have been driven out of business or have lost their lives in a riot.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WHITENER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. WHITENER. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I merely wanted to pursue the question one step further with the distinguished majority leader. If I understand the amendment correctly, I have no reason to believe this amendment would invade

or violate any individual's rights because the injunction must originate in a district court. If that court finds there is a violation of the petitioner's constitutional rights—and certainly we recognize the fact that people have a right to petition their government for the redress of grievances the court could issue such an injunction. This would give a district court the right to make the final decision, not a mob in the street. I believe the gentleman errs in bringing the State attorney general into this amendment—I believe the amendment should provide, if it is going to provide anything, only for an individual or the Attorney General of the United States to bring the action. But it seems to me this would give the protection of the court to a man or a community, to his or its constitutional rights. I do not see why this would not strengthen the legislation.

Mr. WHITENER. Mr. Chairman, the gentleman asked very splendid hypothetical questions. In answer to one of them, the gentleman from Colorado said there was no way of knowing when these untoward events might occur, but it seems to me that I have read many stories in newspapers recently quoting the leaders of these marches as saying that if the Congress does not appropriate a number of dollars for the poverty program, or certain things are not done within a community by a certain date, we are going to have "another Watts in this city."

I wonder what the gentleman would say about that. Does he mean to say that the Federal Government has the power under the Constitution to say to you and to me, that we cannot do certain little things which might be construed as a deprivation of privilege and yet be powerless to stop the slaughter of human beings and the destruction of property?

Mr. PUCINSKI. If the gentleman will yield, I believe the key in this amendment is the protection being offered both sides by the district court. If this protection were not there I could see the objection to the amendment. Certainly, before any injunctive relief would lie, the district court would hold a hearing to ascertain whether or not any constitutional rights were being violated.

Mr. WHITENER. As I understand the gentleman, what he is saying is that he wants to see a person's rights are not interfered with, and he wants to protect those rights, but at the same time he wants to insist that those whose rights would be protected under this language would act responsibly and be good citizens and not destroy other rights.

Mr. PUCINSKI. I am saying that equal rights beget equal responsibility.

I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. RODINO) there were—ayes 64, noes 57.

Mr. RODINO. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DOWDY and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 91, noes 98.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the two amendments.

The Clerk read as follows:

Amendments offered by Mr. WHITENER: On page 61, line 6, after "Attorney General", insert "upon the filing with him of a sworn affidavit by some person alleging such act or practice".

On page 60, line 15, after "Attorney General", insert "upon the filing with him of a sworn affidavit by some person alleging such act of practice".

Mr. WHITENER. Mr. Chairman, we have heard a great deal about the flowers from California. In my judgment, this title III does not smell quite as good in a legal way as the flowers from either California or Florida.

Mr. Chairman, I think the language of the bill is probably about as bad as the accuracy of the statement of the Governor of Florida about getting the airline strike settled.

These amendments that I am offering would simply do this: They would say that before the Attorney General can haul someone into court under title III of the bill he would have to at least have a sworn affidavit from some person who alleged that the act practiced which section 301 would seem to inveigh against had actually been committed.

We have been down this road before. We have had title III offered to us many times in the Congress and it has been turned down. This year they came back with the same old kettle of fish, notwithstanding the fact that the administration and the Department of Justice had not requested any such authority. The Attorney General has not asked the Congress to make it possible for him to go on a voyage of discovery in order to round up some folks to bring into court and charge them with having deprived another of a right, privilege or immunity granted, secured, or protected by the Constitution of the United States.

Mr. Chairman, it seems to me that all of us would want to say, and I am sure the Attorney General would want it that way, that he should not be bothered to go out and comb heaven and earth unless someone had suggested that some untoward conduct which title III is directed at had actually occurred or they at least believed that it had occurred.

But, if we go along with the language as it is now written, there will be no requirement whatever that there be any allegation, even oral or written, brought to the attention of the Attorney General. He could, if we had the wrong Attorney General, have real trouble. I am not suggesting that the present one is the wrong one; I think he is a fine gentleman. I think he is a good lawyer and a splendid public servant. I am not suggesting that he would abuse any power that might be given to him, even though improvidently, by the Congress. But we do not know who will be Attorney General 10 years from now or 20 years from now. We are writing a law here which will apply all through the eons of time unless some Congress wiser than the one we have now gets us back on the constitutional track.

Mr. Chairman, I certainly hope that my colleagues will support these two amendments which, in effect, constitute one amendment. The amendments would merely require that before the Attorney General seeks to bring any type of proceeding on the grounds stated in title III that there must have been a sworn affidavit by some person alleging that another person would deprive him of his rights, privileges, and immunities guaranteed him under the Constitution because of his race, color, religion, or national origin.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I would like to ask the gentleman if the two amendments, which he says are essentially one amendment, are patterned after the language of the 1964 act, title III, concerning the desegregation of public facilities?

Mr. WHITENER. As I remember the history of that act, an amendment was written in on the floor just as we are trying to do now. The bill that came out of the committee I do not believe contained this language.

Mr. POFF. Mr. Chairman, I am sure the gentleman is correct. I simply make the point you would require by this amendment the same that was required by the 1964 act in at least two titles.

Mr. WHITENER. Yes. I do not think any Attorney General, however good or bad he might be, would want to have this nebulous responsibility hanging on him, which this would seem to place on him—to be the guardian of everyone's rights, whether they had called it to his attention or not.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment. The amendment would require a sworn affidavit on the part of the complainant before he could proceed. It would place a precondition on the authority of the Attorney General, and it would obstruct him in pursuing justice. We have legal precedent for such unencumbered authority in legislation which we have written in civil rights areas—in voting, in public accommodations, in education, and in public facilities. We have the same conditions as are written here. We do not require that there be a sworn affidavit. The most that is required is a written complaint, and that is what I believe the gentleman from Virginia was referring to when he referred to title III and title IV of the 1964 Civil Rights Act and talked about this amendment being patterned after title III.

In title III of the 1964 act there is merely a requirement that there be a written complaint before the Attorney General brings a suit. We recognize that a written complaint may be a significant onus in many cases, and certainly a sworn affidavit is even more burdensome, and places the burden on the very person who may be the victim of deprivation and discrimination. For that reason I oppose the amendment.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure the gentleman is acting in good faith in opposing the amendment, but if he will look at the language of title III, he will see that it says:

> The Attorney General may institute a civil action or other proper proceedings for temporary or permanent preventive or mandatory relief.

At some point someone is going to have to do some swearing before they can get an injunction. The court is going to have some basis for acting. Is the Attorney General going to be able to get an injunction by swearing that some unnamed individual came to him and told him or called him on the phone, and told him that the gentleman from New Jersey [Mr. RODINO] was about to commit an act or practice which would deprive him of his rights and privileges? Do you think any court is going to grant injunctive relief in that situation? Why not require the affidavit before the Attorney General acts?

Mr. RODINO. Well, because the court will have decided that question on the basis of various evidence presented to it. I think the gentleman recognizes that.

Mr. Chairman, I feel that the amendment should be defeated. I yield back the balance of my time.

Mr. MATHIAS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment. I am fully cognizant of the arguments that are made by our colleague from North Carolina. I know his great concern for the liberties of the individual, and I share those concerns with him. I think this is a case where we have to make very careful plans.

I think the balance is against the amendment. The gentleman from North Carolina says he thinks there should have to be a sworn affidavit. The gentleman from North Carolina is simply putting another act between one who is threatened and the relief that may save him from some act of violence. He is merely intervening another act upon which coercion may be applied, and I think that on balance this is a bad thing. If the benefits of title III are to accrue to the people of this country you should not have to go through the cumbersome procedure of seeking out a notary public, making your affidavit, and transmitting it to the Attorney General.

In further response to the gentleman from North Carolina, let me recall the hypothetical case that was brought to our attention a few minutes ago by the gentleman from Iowa, in which a shopowner was being threatened by physical and material damage from a race riot. Let me say to the gentleman that the individual shopowner may not have the information on which to make a sworn affidavit, but the Attorney General, with many sources of information may, as a result of the cumulative knowledge which has come to him, be in a position to make the kind of judgment which is necessary here in the absence of a sworn complaint and to take the remedial action which would be preventive in nature, which will prevent the very disturbance that the gentleman from Iowa is worried about. This is the heart of this matter. On balance, in spite of the gentleman's fears, I believe this amendment should be clearly defeated.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, I thank the gentleman for yielding. Did we not have evidence before the committee of the fact that those required to sign these affidavits as required in the 1964 Civil Rights Act, titles III and IV, would be subject to intimidation, and that is why we waived this requirement?

Mr. MATHIAS. The gentleman is precisely right. This is the danger we want to avoid.

Mr. TENZER. Mr. Chairman, 2 years ago, the Civil Rights Act of 1964 was enacted. In titles III and IV the Congress recognized that it was unjust to compel private persons to carry the full burden of instituting lawsuits to end discriminatory practices in schools and public facilities. The 1964 act empowered the Attorney General to file civil actions in Federal court to enjoin such discrimination. However, his authority is limited and hampered by two important restrictions which render it much less than adequate to meet the need. First, the Attorney General may not institute proceedings unless he receives a signed written complaint alleging that the writer is being denied his constitutional rights with respect to schools or public facilities. Second, the Attorney General may not sue, even if he does receive such a complaint, unless in his judgment the writer is "unable to initiate and maintain appropriate legal proceedings for relief."

These two restrictions unduly circumscribe the Attorney General's authority. The first restriction—receipt of a written complaint—is objectionable because in many areas persons who seek to exercise their rights are unfamiliar with the written complaint requirement and thus do not know what they must do to obtain the services of the Attorney General to sue on their behalf. In some places persons whose rights are denied are subjected to intimidation by threats or force or the environment is hostile to the assertion of constitutional rights by citizens. In such places, many Negroes are simply afraid to complain to the Attorney General. The anomalous result under present law is that the Attorney General may be powerless to act in the very areas in which Federal intervention is most needed.

The second restriction—that private persons must be unable to bring suit on their own behalf—conflicts in principle with similar authority granted to the Attorney General to bring suits to enjoin discrimination in public accommodations, employment, and voting. In these other fields he is generally free to sue whenever he deems the public interest to require it, whether or not private aggrieved persons might be able to sue. There is no good and sufficient reason to treat school and public facility suits differently. The present law, by emphasizing the private and personal nature of this kind of litigation, loses sight of the great public interest in achieving desegregation.

I believe it is important to remove these artificial barriers to effective Federal action to secure these fundamental rights. As the Supreme Court has said, these rights are warrants for the here and now—not abstract and pious hopes for a distance future time. Action now by this Congress is required to make the 14th amendment a reality throughout the land.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, is the gentleman suggesting that if the Attorney General has sufficient knowledge and information to support an action, that he would not find it very easy to call in a witness and get him to sign an affidavit?

Mr. MATHIAS. I am suggesting there might very well be occasions when there would not be time, because Mr. GROSS' store would have been broken up by that time. I am suggesting in these situations there might not be the calm deliberative atmosphere the gentleman presupposes, and it may be necessary to move forward.

Mr. WHITENER. Will the gentleman yield further?

Mr. MATHIAS. I yield further to the gentleman from North Carolina.

Mr. WHITENER. Is the gentleman from Maryland suggesting that the court will grant an injunction without sworn testimony or adequate evidence to support such an injunction? Is the gentleman suggesting that a Federal court or a district court anywhere in the United States would grant an injunction without some sworn testimony?

Mr. MATHIAS. Certainly not. But I refer the distinguished gentleman to the clear language of title III, which says that whenever the Attorney General "has reasonable grounds to believe," he may go in. Of course, he has to have the evidence to support a basis for his judgment in this matter, and his discretion in taking action. I think this is a more stable ground upon which to proceed.

Let us suppose the gentleman's amendment were to prevail, that the affidavit were secured, and then, because of the very kind of coercion that may be involved, the affidavit is withdrawn. Where is the gentleman left then?

I much prefer to see the bill left as it is.

Mr. HAGAN of Georgia. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the

amendment of the gentleman from North Carolina.

Mr. Chairman, I support the amendment of the distinguished gentleman from North Carolina. This proposal in title III is unconscionable to me. Let me read just a line or two:

> Whenever there are reasonable grounds to believe that any person is about to engage or continue to engage in any act or practice which would deprive another of any right—

And so forth. And it goes on, Mr. Chairman, to say:

> The Attorney General for or in the name of the United States may institute a civil action or other proceeding—

And so forth. And he can do this under the language of this bill without anyone even making a complaint.

Mr. Chairman, the people of this country are already concerned by the probes and the calls upon them and the inquisitions by the wage and hour bureaucrats, by the Internal Revenue people, and all the other agencies which are already making a bureaucratic tyranny in this country. This would add to it.

This section was not even recommended by the Justice Department.

I have always been and I am now an advocate of personal liberty of citizens. We are a nation of free individuals. The Constitution, the Bill of Rights, and all attendant amendments we look to for guaranteeing this proposition. We should consider ourselves, not the state as supreme. In our democratic system we must recognize that the role of the state is to facilitate the private matters of citizens. It would appear that the acceptance of the bill without amendment is the most flagrant abrogation of the basic and inherent right of all Americans. Therefore, Mr. Chairman, I wish to strongly emphasize to each Member of this Congress that if we fail to accept this amendment of the gentleman from North Carolina, we are going to give the Attorney General of the United States the right to go around looking under bedsheets, rugs, and under doormats, and initiating probes without first having to have sworn affidavits that a citizen has been wronged.

Mr. O'NEAL of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HAGAN of Georgia. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. I thank the gentleman.

I want to take this opportunity to rise in support of the amendment and to commend the gentleman from North Carolina for offering it, and also to commend my friend and colleague from Georgia who has just spoken so cogently and forcefully. I share his feelings, and I commend him for what he has said.

Mr. HAGAN of Georgia. I thank the gentleman.

I should like to close my brief remarks by saying that this title III would further destroy the freedom of individuals of this country as we have always known it.

I commend the gentleman for offering this amendment.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HAGAN of Georgia. I am glad to yield to the distinguished gentleman from North Carolina.

Mr. WHITENER. I thank the gentleman for his valuable support of this amendment which, after all, I believe should appeal to any fair-minded person. A citizen should not be subject to the visitation of the Justice Department without at least the Justice Department having some credible allegation that some wrong is being committed.

I appreciate the fact that the gentleman, as a few others of us around here are, is still concerned about the personal liberties of our citizens.

What the gentleman has said about the ever-extending arm of the bureaucracy and the ever-extending reach of bureaucracy into the private lives of every living American is something many people had better get alarmed about, just as the gentleman from Georgia is alarmed about it.

Mr. HAGAN of Georgia. The gentleman is eminently correct. The people not only in my district and in my State are becoming more and more alarmed every day, but as I travel through other parts of the country I find the same feelings against edicts and the exercise of more and more control out of Washington.

Mr. DOWDY. Mr. Chairman, I rise in support of the amendment.

I believe the committee should be reminded that this is the title of the bill concerning which the Attorney General has stated he will desire a national police force to enforce it.

I should like to comment on some statements made here by one or more of the Members, who say we ought not to require a sworn statement before the Attorney General goes to court, because the person who makes the statement may be afraid or may be coerced or may have some sort of intimidation. I would say that, so far as I know, even the slightest misdemeanor must have a complaint filed about it before an information lies and before any defendant can be taken to trial in the most menial kind of criminal case.

Is this saying that the complainant should not have to swear to a statement before the Attorney General goes to court to mean he never will be required to swear to his complaint? At some time or other the man will have to swear. I do not abide with the statement made by the gentleman from New Jersey earlier that it would be up to the court as to whether he would take an ex parte statement of the Attorney General as a basis for enjoining any person from violating any part of this law.

The statement was made earlier concerning the withdrawal by a complainant of a statement he might make. I believe the gentleman from Maryland said that a person might withdraw his statement after the Attorney General had gone to court. I do not suppose that the gentleman ever tried a criminal case as a prosecutor. I have. I have had people go back on their affidavits. Perhaps the gentleman never tried a civil case in which a witness of his changed his mind about his testimony, or decided not to testify. Those are the hazards of practicing law.

Another statement was made—and I forget who made it—about the fellow who could not get a complaint to the Attorney General to keep his store from being broken up because it would be broken up before he got to the Attorney General. This bill does not protect the propertyowner. This bill does not protect the store owner. The only purpose of this bill is to protect the people who are breaking it up.

Mr. CRAMER. Mr. Chairman, would the gentleman yield to me?

Mr. DOWDY. I am pleased to yield to the gentleman from Florida.

Mr. CRAMER. The gentleman from Texas mentioned the statement of the Attorney General relating to title III. It would be well to read the Attorney General's statement into the RECORD at this point. I placed it in the RECORD in my statement which appears on page 17483 of the RECORD in which the Attorney General was asked his opinion just last year on title III which was not as broad as this title III. The chairman himself stated in the RECORD what his position was on title III when it was offered on the floor as an amendment, and that was not as broad as this title III. Here is what the chairman said on the floor of the House, and then I will quote the Attorney General in answer to a question by the proponent of the amendment in hearings in the committee on a title III which was not as broad as this. This is what the chairman of the committee, the gentleman from New York [Mr. CELLER], stated regarding title III then, in the 1965 act:

> I rise in opposition to the amendment. Mr. Chairman, this indicates clearly how difficult it is to write a bill as comprehensive as this on the floor of the House. Here we get from left field—or right field or from center field—an amendment very comprehensive and very difficult to comprehend which would in a certain sense, in common parlance, "gum up the works".

This is title III in 1965, a year ago. It would "gum up the works," he says, but it is in this bill now.

Now, in interrogating the Attorney General, the chairman said:

> We have been up and down the mountain on it many times. The House passed it once, in very broad form.
>
> What would be your opinion of an addition to this bill of that limited form of part III?

His reply was:

> My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power—

This is what Attorney General Katzenbach said just last year.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Chairman, I yield to the gentleman from Florida.

Mr. CRAMER. Now, the Attorney General, in replying on title III, Mr. Katzenbach, on a title III which was not as broad as this, said:

My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power, then you also give us the power for an appropriation to hire the police force that it is going to take to do it. Don't give us the responsibility without the capacity of fulfilling it. Don't put me in the box where you say the law tells you to do this and I have nobody to do it. Give me the national police force that it may take.

That is the Attorney General of the United States who last year testified on this same title III, which is not as broad a title as this.

Mr. DOWDY. That was the testimony I had reference to earlier in my statement.

Mr. Chairman, I feel and sincerely hope and urge the House to adopt the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. WHITENER) there were—ayes 60, noes 73.

Mr. WHITENER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WHITENER and Mr. RODINO.

The Committee again divided, and the tellers reported that there were—ayes 68, noes 85.

So the amendment was rejected.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that all debate on this title, and all amendments thereto, be terminated within 1 hour and, pending the adoption of this unanimous-consent request, I am going to move that the Committee will rise.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Chairman, reserving the right to object, may I ask what title it is?

Mr. RODINO. Title III.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. POFF. Mr. Chairman, reserving the right to object, may I propound a parliamentary inquiry? How will the 1 hour be divided?

The CHAIRMAN. The Chair will recognize the Members under the 5-minute rule.

Mr. POFF. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

SECURITIES MARKETS COMMISSION CHARGES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, for the information of the Members of the House, I am inserting in the RECORD a report which I have received from the Securities and Exchange Commission on two actions it is undertaking in connection with, first, the Commission rate structure of our securities markets; and second, the rules and practices with respect to the trading in odd lots in such markets.

As the Members know, our committee has ever been aware of its responsibilities in seeing that the investing public is adequately protected by the rules which govern the operation of our stock exchanges and our over-the-counter markets. It is for that reason that 5 years ago we sponsored and the Congress enacted a study by the Securities and Exchange Commission, out of which grew the Securities Acts Amendments of 1964.

A substantial portion of the recommendations of that Commission's study it believed, as did our committee, could be effectuated by the issuance of rules and regulations by the Commission rather than necessitate amendments of the statutes. Accordingly, the Commission has proceeded with a program to enact such regulations, two of which are here involved today.

I include herewith a copy of a letter from Chairman Manuel F. Cohen to me dated July 29 and enclosures of his letters of July 18 addressed to the national securities exchanges and the National Securities Dealers Association concerning commission rate structure and odd-lot trading:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 29, 1966.

HON. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Since certain actions with respect to stock exchange rules have appeared in the press recently, I thought you might be interested in two letters recently sent to all registered national securities exchanges and the National Association of Securities Dealers. These letters relate to (1) the commission rate structure of our securities markets and (2) the rules and practices with respect to the trading of odd-lots in such markets.

1. The commission rate structure letter represents an important development in our continuing study of the rate structure of our national securities exchanges. As you know, the Report of the Special Study of Securities Markets considered the impact of the commission rate structure on the public investor. The attached letter is responsive to recommendations of the Special Study relating to volume discounts, commission-splitting among exchange members and non-members, give-ups and and reciprocal business between and among exchange members and non-members. The problems involved in the commission rate structure include questions concerning the appropriate level of commissions, institutional membership on exchanges, block transactions, and the function of the third market in our competitive system of markets. The Special Study also made specific recommendations with respect to these matters to which the letter on commission rate structure relates. The Special Study also made a number of recommendations concerning our regional exchanges. The letter is designed, among other things, to obtain the views of these exchanges on the impact of the commission rate structure on their markets and on their competitive position with the primary market.

One of the most significant recommendations in the Special Study related to the importance of the Commission evaluating and studying such matters as:

(a) Types and forms of competition and of limitations on competition actually or potentially existing within and among markets, and their impact on the free, fair and orderly functioning of the various markets; and

(b) Factors contributing to or detracting from the public's ready access to all markets and its assurance of obtaining the best execution of any particular transaction.

The letter on commission rate structure is specifically addressed to this subject. The subject matter of the letter involves one of the more difficult and controversial areas under the Commission's responsibility. We have, consistent with such responsibilities, addressed ourselves to the broad problems which are the subject matter of the letter in order to insure a healthy and strong securities market.

2. The odd-lot letter represents another step in the exercise of the Commission's responsibilities to examine the trading practices and procedures involved in the purchase or sale of "odd-lots." As you know, the New York Stock Exchange, at the Commission's request, recently changed the break-point for the imposition of the odd-lot differential. This change, we estimate, will result in savings in excess of $5 million per year for investors who purchase or sell odd-lots. In our study of the New York Stock Exchange odd-lot differential we solicited the views of the regional exchanges and a number of them recommended that in addition to a review of the level of the odd-lot differential, it would be appropriate for the Commission to study the methods by which odd-lots are executed in all securities markets. Accordingly, the Commission has sent the attached letter to the national securities exchanges and the NASD, soliciting their views on odd-lot trading. This action, too, is consistent with recommendations made by the Special Study. The Commission's concern is to take all practical action to insure that the small investor will be able to buy and sell small lots on reasonable terms and in securities markets which are operated efficiently in the public interest.

Sincerely,

MANUEL F. COHEN,
Chairman.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 18, 1966.

Re Commission rate structure.

MR. EDWIN D. ETHERINGTON,
President, American Stock Exchange, New York, N.Y.

Mr. FREDERICK MOSS,
President, Boston Stock Exchange,
Boston, Mass.
Mr. CHARLES H. STEFFENS,
President, Cincinnati Stock Exchange,
Cincinnati, Ohio.
Mr. ROY F. DELANEY,
President, Detroit Stock Exchange,
Detroit, Mich.
Mr. JAMES E. DAY,
President, Midwest Stock Exchange,
Chicago, Ill.
Mr. EDWARD T. MCCORMICK,
President, National Stock Exchange,
New York, N.Y.
Mr. G. KEITH FUNSTON,
President, New York Stock Exchange,
New York, N.Y.
Mr. THOMAS P. PHELAN,
President, Pacific Coast Stock Exchange,
San Francisco, Calif.
Mr. ELKINS WETHERILL,
President, Philadelphia-Baltimore-
Washington Stock Exchange,
Philadephia, Pa.
Mr. RALPH S. RICHARDS, Jr.,
President, Pittsburgh Stock Exchange,
Pittsburgh, Pa.
Mr. GEORGE J. POTTER,
President, Salt Lake Stock Exchange,
Salt Lake City, Utah.
Mr. G. C. GEORGE,
President, Spokane Stock Exchange,
Spokane, Wash.
Mr. A. B. HARRISBERGER,
President, Colorado Springs Stock Exchange,
Colorado Springs, Colo.
Mr. ROBERT W. HAACK,
Washington, D.C.

GENTLEMEN: This letter is separately addressed to each of the national securities exchanges and to the NASD. It relates to the problem of "give-ups" and reciprocity in all securities markets. The problem is discussed in the Report of the Special Study of Securities Markets and has for some time been the subject of informal discussions between representatives of the Commission and the securities industry. We have found a general recognition in the industry that the "give-up" practice in the exchange communities has developed to a point where it threatens the integrity of wide segments of the securities industry. In this connection, we consider it significant that "give-ups" in the over-the-counter market have long been recognized to be improper and illegal. In the exchange communities, however, we understand that the pressure of competition among participants in the "give-up" practice is such as to deter any one of the self-regulatory agencies, acting alone, from taking the initiative in putting an end to the practice. Accordingly, it appears that the solution of the problem may require coordinated action by each of the national securities exchanges, by the NASD and by the Commission. It may be necessary to have simultaneous compliance in all markets to eliminate the improper practices. We recognize that it may be necessary for the Commission to adopt rules to supplement those of the national securities exchanges and of the NASD to provide a comprehensive and uniform approach to this matter.

The purpose of this letter is to summarize our position on "give-ups" and to delineate the kinds of commission splitting which we believe should be prohibited, as well as to solicit your views as to the specific action the Commission, the exchanges and the NASD should take to eliminate the abuses involved.

The "give-up" practice with which we are concerned grows out of the rules of the national securities exchanges which provide for uniform rate structures but permit the sharing of commissions among members and to some extent between members and nonmembers. While perhaps originally designed merely to provide for a reasonable sharing of the commission among those who combine to perform a service for a customer, the practice has developed of permitting the "give-up" to be directed to persons who neither perform any function with respect to the order nor are necessary to its consummation. The give-ups are, for the most part, directed by or on behalf of persons who are nonmembers of the exchanges and not for the benefit of the customer on whose behalf the order is executed.

At the outset we should state our belief that the commission should fairly compensate a broker for the services which it performs. We have already noted the recognition that give-ups in the over-the-counter market are inconsistent with the legal responsibilities of the parties involved. As for the Exchange markets, assuming that a fixed minimum commission schedule is necessary and appropriate to effective and efficient operation of an Exchange, it is our view that give-ups and other similar arrangements which directly or indirectly arise out of customer direction or are for the customer's benefit, are inconsistent with this premise and have the effect of providing a rebate. Such rebates are prohibited by Exchange rules.

A rate structure should also provide equitable treatment for various classes of customers whose use of Exchange facilities is basically similar. As the Exchanges' rules recognize, it should not encompass rebates directly or indirectly to particular classes of customers. Such rebating is not only discriminatory but raises questions as to the propriety of the commission rate structure itself. A customer directed give-up is inconsistent with all of those principles. Not only does it deprive brokers of a portion of their commissions but it indirectly operates as a rebate in favor of those customers who happen to be able to derive a benefit from directing brokerage commissions to firms having no meaningful participation in the execution of the orders.

This discriminatory effect is aggravated where the benefits of the rebate flow not to the customer itself but to others, such as investment managers who are in a position to direct the customer's brokerage. Furthermore, the availability of indirect rebates through customer directed give-ups creates various distortions and artificial devices in the securities markets which are designed to facilitate a wider distribution of give-ups but in the process may interfere with the orderly functioning of the markets and the most effective execution of customers' orders. The directed give-up also seriously complicates the administration and assessment by the Exchanges and the Commission of the reasonableness of commission rates since commissions received and retained cease to be related to the expenses incurred for services rendered in the execution of brokerage orders (or indeed, the commission business) on the Exchange.

It is our view that to avoid these problems, the services for which a participating broker is compensated should (a) be necessary for the completion of the transaction, (b) involve functions not performed by the transmitting or executing broker, and (c) not be directed by or on behalf of a public customer.

The Commission does not object to splitting commissions between members where the member originating the order is not equipped to perform the floor brokerage or clearing function. Under these circumstances, we would expect that the normal correspondent relationship would be continued, the rates negotiated, and the floor brokerage and clearance done in an efficient and necessary manner with appropriate compensation. Stated another way, we are not suggesting that bona fide correspondent arrangements by firms which result in a sharing of commissions would be inappropriate unless such arrangements and the commissions paid to the correspondent arise directly or indirectly out of the customer request, direction, or understanding.

Conversely, it would not be appropriate for a transmitting or executing firm to use a wide variety of clearing firms in order to obtain a wide dispersion of commission income. Such a procedure would exacerbate regulatory problems and would constitute, in our view, an indirect rebate to the customer. Similarly, it would be inappropriate for a transmitting firm to use a wide variety of executing firms on a particular order. There are simpler and more direct methods other than by splitting commissions for members to fulfill among themselves obligations unrelated to the execution and consummation of commission transactions.

In short, the commission rate structure should provide for compensation for members' services and not permit rebating for customer benefit through the device of unnecessary or duplicative paper work. This letter of course is not addressed to the appropriate level of commissions or to the nature of services which are rendered generally by transmitting or originating firms which are covered by the minimum commission.

A question might be raised whether the approach set forth above will not result in the fragmentation of orders among many transmitting or executing firms by customers who seek to reward a number of brokers. The Commission believes institutions and others acting in a fiduciary capacity are under a legal duty to obtain the best execution for their principals. We believe that the direction of orders to firms by customers who hold such a fiduciary relationship to others should and normally will be done in a manner entirely consistent with their best execution. We can exercise our jurisdiction to that end.

Closely related to the foregoing is the question of volume discounts. None of our national securities exchanges have rules providing for direct volume discounts although institutional membership on exchanges has provided, indirectly, savings to the underlying shareholders of some such institutions. At the present time the commissions given away by transmitting or executing firms do not inure to the benefit of the great number of small customers who indirectly invest through institutional media. Since such commissions as are now given away do not reduce the cost to the executing brokers and are received by persons having little or nothing to do with the order, we believe it is appropriate for all exchanges to consider a volume discount for such customers. We believe that a discount should be so devised that it will not restrict the normal discretion of a customer or broker as to the manner or timing of the execution of orders.

We do not wish to place a customer in a position of having to execute substantial orders in a short period of time in order to obtain a discount when prudent judgment might dictate otherwise. We request, therefore, that the exchanges consider the amount of an appropriate volume discount, the appropriate break-points for such discounts, the definition of "an order" and whether such discounts should apply to transactions in size for a particular customer during a day, week or longer period. Among the problems we wish to consider is the relationship between volume discounts and executions on more than one Exchange. Although the subject of volume discounts is linked to the problem of give-ups, we do not intend to suggest that volume discounts need necessarily be uniform among all exchanges or that the resolution of either matter should be a condition precedent to making progress with the other.

We are anxious to receive your written suggestions and comments on or before August 15, 1966. In the meanwhile, if you have any questions, please do not hesitate to communicate with the undersigned or Mr. Eugene H. Rotberg, Associate Director for Markets and Regulation.

Sincerely yours,

IRVING M. POLLACK,
Director.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., July 18, 1966.

Re odd-lot-trading.

Mr. EDWIN D. ETHERINGTON,
President, American Stock Exchange, New York, N.Y.
Mr. FREDERICK MOSS,
President, Boston Stock Exchange, Boston, Mass.
Mr. CHARLES H. STEFFENS,
President, Cincinnati Stock Exchange, Cincinnati, Ohio.
Mr. ROY F. DELANEY,
President, Detroit Stock Exchange, Detroit, Mich.
Mr. JAMES E. DAY,
President, Midwest Stock Exchange, Chicago, Ill.
Mr. EDWARD T. MCCORMACK,
President, National Stock Exchange, New York, N.Y.
Mr. G. KEITH FUNSTON,
President, New York Stock Exchange, New York, N.Y.
Mr. THOMAS P. PHELAN,
President, Pacific Coast Stock Exchange, San Francisco, Calif.
Mr. ELKINS WETHERILL,
President, Philadelphia-Baltimore-Washington Stock Exchange, Philadelphia, Pa.
Mr. RALPH S. RICHARDS, Jr.,
President, Pittsburgh Stock Exchange, Pittsburgh, Pa.
Mr. GEORGE J. POTTER,
President, Salt Lake Stock Exchange, Salt Lake City, Utah.
Mr. G. C. GEORGE,
President, Spokane Stock Exchange, Spokane, Wash.
Mr. A. B. HARRISBERGER,
President, Colorado Springs Stock Exchange, Colorado Springs, Colo.
Mr. ROBERT W. HAACK,
President, National Association of Securities Dealers, Inc., Washington, D.C.

GENTLEMEN: On July 1, 1966, the New York Stock Exchange, at the request of the Commission, changed the "break-point" for the charge for odd-lot executions on that Exchange. In making that request, we took into account all relevant data and arguments, including those submitted by regional stock exchanges. Some of these exchanges urged that the Commission undertake further study of the structure and arrangements for odd-lot trading on all exchanges and offered to cooperate in such a study. The Commission also stated that it expected a further review of the odd-lot differential charge to be made promptly after the end of 1966.

We have determined to extend our inquiry into the mechanics and principles under which odd-lot transactions are effected in all securities markets. We are enclosing, for your information, a copy of an order of investigation, issued by the Commission, which authorizes an inquiry into the subject matter. The issues and problems set forth below have been raised by responsible persons in the securities industry and provide a focal point to which your comments might be addressed. In order to expedite this inquiry we would appreciate your specific comments thereon by August 15, 1966, after which we expect to contact you for a more extensive discussion of your responses, comments and suggestions.

1. The methods by which automation could or should change the present odd-lot structure.

2. The desirable "triggering" relationship between odd-lot and round-lot executions on the exchanges.

3. The feasibility and desirability of limiting the execution of odd-lots to the specialist in some or all stocks.

4. The desirability of having all odd-lots executed in one or more of the auction markets.

5. The appropriate level of commissions for the execution of odd-lots and the floor brokerage or clearance charges, if any, which would be applicable to such executions as well as the propriety of an odd-lot differential being charged by specialists when such activity is closely related to their round-lot business in the same securities.

6. Whether the requirements as to any of the foregoing should be uniform with respect to all exchanges.

7. The relationship of odd-lot executions in the third market to the odd-lot executions and the differential charged on national securities exchanges.

8. The feasibility or utility of price competition in odd-lots between markets.

9. The impact of the current break-point ($55) on your members' income and profit and the feasibility of reports which would identify the significance of odd-lot differential income to such firms.

We believe your views would be most helpful in resolving the above or any other questions which you may consider pertinent to a study of odd-lot trading. If you have any questions on this matter, please communicate with the undersigned or Eugene H. Rotberg, Associate Director.

Sincerely yours,

IRVING M. POLLACK,
Director.

RACIAL DISCRIMINATION IN HOUSING

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, while we debate this important civil rights legislation here today, I think it is heartening to note that some of the people who are most directly concerned, and most influential—and sometimes the most blamed, it seems—in the problem of racial discrimination in the sale of housing, are themselves taking action to help eliminate such discrimination.

I refer specifically to the board of realtors in my hometown of Tacoma, Wash., and in general to the Washington State Association of Realtors.

The Tacoma board, with the cooperation of the State association, has taken the initiative to rid the real estate business of discrimination insofar as realtors themselves are able to do so without dictating to their clients, by adopting a standard of practices.

It seems to me, Mr. Speaker, that if all of the people involved in the real estate industry in this country were to take action as responsible as this, and the industry were to police itself carefully, there would be little need for legislation to eliminate discrimination in housing.

I wish to include in my remarks at this time the full standard of practices adopted by the Tacoma Board of Realtors:

The Tacoma Board of Realtors subscribes to the policy that a favorable public attitude for equal opportunity in the acquisition of housing can best be accomplished through leadership, example, education and the mutual cooperation of the real estate industry and the public.

The following is hereby stated as the Code of Practices of the Tacoma Board of Realtors:

1. It is the responsibility of a Realtor to offer equal service to all clients without regard to race, color, religion, or national origin in the sale, purchase, exchange, rental, or lease of real property.

a. A Realtor shall stand ready to show property to any member of any racial, creedal, or ethnic group.

b. A Realtor has a legal and ethical responsibility to receive all offers and to communicate them to the property owner. The Realtor being but an agent, the right of decision must be with the property owner.

c. A Realtor should exert his best efforts to conclude the transaction.

2. Realtors, individually and collectively, in performing their agency functions have no right or responsibility to determine the racial, creedal, or ethnic composition of any neighborhood or any part thereof.

a. A Realtor shall not advise property owners to incorporate in a listing of property an exclusion of sale to any such group.

b. A Realtor may take a listing which insists upon such exclusion, but only if it is lawfully done at the property owner's instance without any influence whatsoever by the agent.

3. Any attempt by a Realtor to solicit or procure the sale or other disposition in residential areas by conduct intended to implant fears in property owners based upon the actual or anticipated introduction of a minority group into an area shall subject the Realtor to disciplinary action. Any technique that induces panic selling is a violation of ethics and must be strongly condemned.

4. Each Realtor should feel completely free to enter into a broker-client relationship with persons of any race, creed, or ethnic group.

a. Any conduct inhibiting said relationship is a specific violation of Article XIX of the rules and regulations of this board, and shall subject the violating Realtor to disciplinary action.

TEXAS SAVINGS & LOAN ASSOCIATION OPPOSES FEDERAL HOME LOAN BANK BOARD POLICY OF ALLOWING DIFFERENT DIVIDEND RATES ON GEOGRAPHIC BASIS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, thrift institutions throughout the country are experiencing their most difficult period in 30 years due to the artificial credit stringency forced upon the economy by the Federal Reserve Board. For many years it has been the policy of the Federal Home Loan Bank Board to allow certain sections of the country, notably

California and Nevada, to have higher dividend rates than other associations around the country. For many years this was necessary due to the tremendous population growth and housing market.

Now, Mr. Speaker, I believe it is time for the Board to look at this practice very carefully. This is not time for the many thousands of already hard-pressed associations to bear the brunt of uneven competition from their own industry.

Mr. Leo W. Tosh, president of the Rusk Federal Savings & Loan Association, of Rusk, Tex., in my congressional district, has written me on this matter, speaking of the difficulties this policy presents to Texas savings and loan associations. I am inserting Mr. Tosh's letter into the RECORD following my remarks for my colleagues' information:

RUSK FEDERAL SAVINGS & LOAN,
ASSOCIATION,
Rusk, Tex., July 27, 1966.

In re Banking Committee's certificate of deposit-dividend bill.

Hon. WRIGHT PATMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. PATMAN: According to the information I have before me, the Bill which your good Committee has approved is pretty well what the savings and loan and banking industries need with the exception of, and I would like to strongly urge you to remove from, the Federal Home Loan Bank's authority and privilege of allowing different rates of dividends for savings and loan associations *because of their geographic locations.*

It simply does not make good sense to me to allow the California Associations to pay a higher rate of dividend than the Associations in Texas may pay. Such is now the case and it is causing millions of dollars of Texas funds to move to California, which is like a foreign land so far as Texas is concerned. The ceiling for bank interest rates and the ceiling for savings and loan dividend rates should not be determined by geographic locations—this would be a sad mistake and would be exceedingly harmful to the savings and loan industry in Texas.

Please, therefore, use the strength of your good Office to eliminate the geographic location provision in this Legislation and greatly oblige.

Very truly yours,

LEO W. TOSH,
President.

LONGTIME DEMOCRAT HITS HIGH INTEREST POLICIES OF FEDERAL RESERVE CHAIRMAN MARTIN—WARNS OF RECESSION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, just recently I received a most interesting letter from a Democrat who first voted in the selections of 1912, when Woodrow Wilson was elected President. The letter, written by Whitefoord S. Mays, Beverly Hills, Calif., more than a half century later, concerns the same problems facing the American public in 1912. The big issue of that election year was public-versus-private control over the Nation's monetary system. The voters had had enough of paying homage to a handful of Wall Street financiers. In 1913, President Wilson made good on his campaign promise by insisting that the newly created Federal Reserve Board be composed of public officials and not bankers.

As Mr. Mays' letter clearly indicates, over the years the bankers have regained their sway over the public's monetary system in the personage of William McChesney Martin, Jr.

Mr. Mays thoughtfully included his letter written to President Johnson last December 6 which refers to his telegram to the President of that same day. In both the letter and the telegram, Mr. Mays severely criticized the Federal Reserve Board's edict hiking interest rates across-the-board and correctly predicted the inflationary impact of higher interest rates.

With unanimous consent, I will insert at this point in the RECORD the letter to me from Mr. Mays dated July 27 and his enclosed letter of December 6 to President Johnson:

MAYS & Co.,
Beverly Hills, Calif., July 27, 1966.

Hon. WRIGHT PATMAN,
Chairman of Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. PATMAN: For years I have followed your career as Chairman of the House Banking Committee, and particularly your differences with Chairman Martin of the Federal Reserve Board. I am taking the liberty of enclosing a copy of a letter I wrote President Johnson on December 6, 1965.

Without desiring to be a Cassandra it would seem to me that my prognostication regarding rate increases and inflation are entirely obsolete because, as you know, the prime rate for big borrowers has been increased from 4½ to 5¾ percent with threats of another increase in the near future. God knows what the medium size borrower is paying . . . but I had occasion to talk to two of my clients recently who borrow substantial amounts from the banks with commensurate balances, and I was told that the rates are now about 7 percent.

Out here mortgages through the Savings & Loan Associations are almost unobtainable, but when funds are available, the borrower is called on to pay about 7½ percent on his twenty-five year loan with exactions of anywhere from five to seven points.

Despite the so-called shortage in money for business loans and mortgage loans, the banks are falling all over themselves in advocating "ready reserve accounts" and "balance-plus accounts" where people of less than modest means are encouraged to "buy now and pay later" at a rate of 18 percent per annum.

Statements being published by the big banks show increases of anywhere from 10 to 15 percent over last year without giving effect to recent rate hikes.

I realize that President Johnson has his hands full on both foreign and domestic fronts, but frankly I am disappointed that he has not taken direct action to stop this "escalation" of interest rates which has added to . . . rather than detract from . . . inflation.

I read an article in the Federal Reserve Bulletin recently by Mr. Maisel indicating that the interest paid last year on all indebtedness was seventy billion dollars . . . state, government, and private. As I see it, borrowing rates have gone up at least 30 percent since December, and while, of course, some of the loans in force are on a long term basis, I think you could readily assume that the cost to the borrower—public and private—has increased at least ten billion dollars per year.

President Kennedy in my opinion took proper action in respect of the steel price increase which would have amounted to six million dollars per year, and President Johnson has taken similar action in respect of price increases on aluminum, copper and molybdenum. I do not know what the tonnage is on these three items, but I would say that the sum total would be a mere bagatelle in comparison to the increases I have noted in interest * * * perhaps one billion dollars vs. ten billion dollars.

Congressman ULLMAN in a recent press statement averred that the tight money issue would work to the decided disadvantage of Democratic candidates in the 1966 election, and might cost them forty seats. I think he is more than conservative in this statement, and from a political standpoint the interest issue plus inflation will be much more harmful, and might well result in the loss of effective control over Congress. I don't mind bringing up the political aspects of this matter, since as I said to President Johnson, I have been voting the Democratic ticket since 1912 without deviation, and while I am too old to change, I think you will find a great many others who are thoroughly dissatisfied with the inaction of the administration on this matter.

Another point I would like to mention is that in the desire of the big banks to put the Savings & Loans out of business, they have been very short-sighted. If they had kept the rates for Certificates of Deposit at 4½ percent, any temporary advantage the Savings & Loans might have continued to enjoy would have been quickly translated into demand deposits rather than time deposits.

The New York banks raised the interest rates on call loans to 15 and 20 percent in 1929. This did not stop borrowing or inflation. You and I can well remember the terrible aftermath. Like the Bourbons * * * "they seem to forget nothing and learn nothing."

Enclosed is a clipping from Newsweek, August 1, 1966, emanating from one of the high priests of tight money, Henry Hazlitt who is even way to the right of Chairman Martin. I think perhaps he would call 10 percent a very reasonable interest rate.

Apparently your Senate counterpart in Virginia was not favored recently by the voters, although enthusiastically supported by the bankers!

In closing, let me say that I figure we are now in Martin recession No. 5!

I am confident you will do everything you can to right this appalling situation which could have been avoided without making a hock shop of the American banking system.

Respectfully yours,

WHITEFOORD S. MAYS.

DECEMBER 6, 1965.

Hon. LYNDON B. JOHNSON,
President of the United States,
Texas White House,
Johnson City, Tex.

DEAR MR. PRESIDENT: In spite of the fact I knew you were deluged with thousands of communications daily, I took the liberty of sending you a wire this morning as follows:

"I am astounded and shocked at the surreptitious action of the Federal Reserve Board increasing discount rates which will add to inflation rather than detract from it. It seems to me that the allowable increase on the certificates of deposit further exacerbates an unsound situation. Apparently they think you are a paper tiger, but I am confident you will protect the people's interest to the utmost as you always have. With great respect, I am . . ."

I was shocked and disappointed at the action of the Federal Reserve Board in respect of the discount rate, and also at the action of four New York banks who raised the prime rate to 5 percent today. All of this is surreptitious and defiant action of your judgment as repeatedly expressed. It really reminds me of the time in 1929 when Mr. Hoover mildly objected to the increase in call money rates to 15 percent (which did not stop speculation). At that time Mr. Charles E. Mitchell of the National City Bank when questioned about Mr. Hoover's remark said, "Let Mr. Hoover attend to his business and we will attend to ours."

I was in extensive correspondence with Secretary Fowler in October, and at that time I pointed out that during the first eight months of the current year, the increase in capital funds of all commercial banks amounted to $1,595,000,000, whereas in the comparable period in 1964 the increase amounted to $1,091,000,000, a gain in 1965 of about 35 percent. These figures were after the payment of taxes and dividends. It seems to me that this answers the plea of the banks that they need more revenue, although they hypocritically based their advocacy of increased rates as a cure for inflation and the balance of payments.

If the ½ percent increase in rates sticks, this would bring a windfall of virtually a billion dollars per year into the banking system before the payment of taxes with little or no increase in overhead.

There is another point which I am sure has occurred to you and to your advisors, and that is that the prime rate increase of ½ percent would add a very small cost to the bank's operations, since the last Federal Reserve Bulletin which came today reflects the total borrowings from the Reserve (only 10 percent from Reserve) and other banks as $5,780,000,000 . . . or just about 3 percent of the total loans of $192,800,000,000. You can well see that an increase of 3 percent of ½ percent is almost infinitesimal. Of course, they will endeavor to pass the full ½ percent on to their customers.

I really feel a little apologetic about writing you, but as, first, a citizen, second a tax payer, and third, as a life-long Democrat who cast his first vote for Woodrow Wilson in 1912, I think that I should add my moral support to your position, and I hope that these unwarranted, arrogant and unjustified acts will soon be rescinded.

With great respect, I am,

Faithfully yours,

WHITEFOORD S. MAYS.

CHAIRMAN COOLEY ASKS THE PRESIDENT TO SUPPORT LEGISLATION TO HELP END THE DEPRESSION IN THE HOMEBUILDING INDUSTRY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, my good friend, chairman of the House Committee on Agriculture, HAROLD D. COOLEY, of North Carolina, has sent me a copy of a letter that he sent to President Johnson concerning the crisis which presently exists in the housing industry. I am pleased to call this very fine letter to the attention of the Members since it points out so many of the aspects that the House Banking and Currency Committee, of which I am chairman, has studied in the past few months.

Chairman COOLEY points out the disastrous drop in housing starts and the effect that this has on our labor market. It also means many thousands of families who have long looked forward to owning their own homes are now denied this prospect because of this artificially created credit crisis.

The House Banking and Currency Committee has reported out legislation which seeks to correct this stifling contraction in the mortgage market and seeks to end the spiraling savings rate war. I appreciate the support which the distinguished chairman of the Committee on Agriculture has given to the Banking and Currency Committee's proposals. Mr. Speaker, I urge the Members to consider very carefully this clear, forthright analysis of the present crisis in the home building industry.

Chairman COOLEY's letter follows:

HOUSE OF REPRESENTATIVES,
U.S. COMMITTEE ON AGRICULTURE,
Washington, D.C., August 1, 1966.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The crisis in credit that is stifling the housing industry in this country commands the immediate attention of all of us who have any responsibility to the people.

Government monetary policy measures have brought on a disastrous interest rate war and a violent shift of funds hitherto available to finance home mortgages. As a consequence, the home building industry is hamstrung; the agony of this industry now is spreading into other sectors of the economy and, more importantly, is being felt by the general public.

Home builders had great expectations of constructing 1,600,000 housing units in 1966. These expectations confidently embraced new homes for enterprising families, mitigation of slums, jobs for many thousands of skilled workers, and millions of dollars in new revenue for Federal, State and local government. The stimulation of general economic activity in this objective would have enabled the Federal Government to save great sums in expenditures aiding the unemployed and the destitute.

But we see now the annual rate of home starts and permits the lowest since the last two business recessions of the 1950's. Mortgages commitments of mutual savings banks in June were down 63 percent as compared with June of last year. Mortgage commitments of savings and loans associations in May were down 51 percent as compared with May of 1965.

Mr. President, if this trend continues in the next year, it may well mean that 800,000 fewer workers will be employed, $7 billion in construction expenditures will be lost, with an additional loss of $14 billion in related expenditures. All the industries and workers who supply materials for builders will be affected, and the shock wave developing in this vital industry will move violently across the general economy.

A great deal of today's restlessness and violence in our cities is being attributed by government spokesmen to slums and substandard housing; yet by Government policy we are crippling the one great free enterprise recourse to a solution of these housing and social problems.

We confront an emergency. This crisis is a consequence of Government policy. The House Committee on Banking and Currency, under the leadership of Honorable WRIGHT PATMAN of Texas, has developed legislation to deal with the inherent dangers in this policy.

Mr. President, I respectfully urge you to throw the weight of this Administration behind this legislation, and that you undertake other courses of action, to unshackle and unleash the building industry of this country, to provide homes for American families, jobs for millions of workers, to lessen Government expenditures for the destitute, and to increase the revenues of Government, at all levels. In doing this, Mr. President, I am certain the Nation will applaud your new demonstration of confidence in free enterprise as the one great hope for ultimate victory in the war against poverty in our Nation.

Very sincerely,

HAROLD COOLEY.

NO. 1 EFFICIENCY RATING AWARDED TO VA OFFICE, WACO, TEX., JACK COKER, MANAGER

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, seldom do our public officials receive the recognition they deserve. For that reason, I was delighted that one of the best, Mr. Jack Coker, manager of the VA Regional Office at Waco, Tex., and his outstanding staff, who serve over 700,000 veterans, were recently awarded the No. 1 efficiency rating for achieving the highest productivity rate of any VA office in the United States. The fine work that the Waco office performs daily in behalf of veterans is well known to me and other Members served by this regional office, and we have long been grateful for the services of Mr. Coker and his excellent team.

The Waco Tribune-Herald of July 31 took note of this award-winning performance, and under leave to extend my remarks, I include the article at this point:

WACO VA OFFICE MOST EFFICIENT

WASHINGTON.—The Waco Regional Office of the Veterans Administration has achieved the highest productivity rate of any VA office in the United States, it was revealed today by Congressman OLIN E. TEAGUE.

The top productivity rating, which means greatest efficiency in operation, was for the fiscal year which ended June 30.

Representative TEAGUE, chairman of the House Veterans Affairs Committee, wired his congratulations to Waco VA Manager, Jack Coker.

"Your efficient and effective management of matters pertaining to benefits to veterans, their dependents and war orphans, is to be highly commended," TEAGUE'S message to Coker said.

"This achievement is all the more significant because of the unique and difficult problems the Waco office has faced in the past several years, not the least of which were a major consolidation and a move to new quarters.

"Your effectiveness in better serving the veterans of Texas at less administrative cost to the taxpayers is especially appreciated by your elected representatives who must answer to the people for the efficiency of their government. You have established an outstanding example of efficiency and economy for all

in government to follow. Please extend my personal congratulations to every employe of your operation in making the Waco VA Regional Office the outstanding office in the country," TEAGUE's telegram said.

The congressman added: "I have always harbored a belief that Texans can do almost any job better, and your outstanding performance despite major handicaps, strengthens that conviction. Keep up the good work."

Congressman W. R. POAGE of Waco wired Coker:

"The Waco VA office long has had a fine record of productivity. I was not therefore surprised to learn that your office was selected as the outstanding office in the United States having the highest productivity rating in the nation. I congratulate you and I look forward to the establishment of even greater records. Please extend my congratulations and best wishes to all your employes . . ."

The productivity rating of VA offices is based on the amount of work turned out in every phase of operation, from top management to messenger service.

The Waco Regional Office, which covers one of the largest land areas (two-thirds of Texas) and administers one of the heaviest loads of benefits (over 700,000 veterans) of any VA office, is ranked No. 1 in competition with all VA offices in the United States.

William J. Driver, administrator of veterans affairs in Washington, announced the top rating earned by the Waco VA Regional Office. "The result of efficiency of operations is better service to the veterans of this nation, who so ably served their country in time of need," Driver said.

Waco Manager Jack Coker said that "I am extremely proud of our employes and their achievements and the top productivity rating.

"This record resulted from the dedication of every employe in the organization to do a better job. They have a great capacity for excellence and recognition."

Since 1963 the Waco VA office has consolidated regional offices formerly located at Dallas and Lubbock, both of which were larger than the original Waco VA office.

The Waco VA office only this year moved into new quarters on Valley Mills Drive, a building which was dedicated formally by Administrator Driver.

The man-hours of work required by consolidation and moving were not subtracted in the efficiency calculations, Driver said, but were included in computing the rating, which makes the achievement even more outstanding.

The Waco VA Regional Office administers to 164 Texas counties, extending from border to border. VA offices in Dallas, Lubbock, El Paso and Midland are supervised by the Waco staff. Contact offices at Veterans Hospitals in Waco, Dallas, Amarillo, Big Spring, Marlin, Temple and Bonham also are under Waco regional office supervision.

More than 500 employes staff the regional office, according to Ray Todd, assistant manager. He said the new GI Bill, adding Viet Nam and those who served after Korea, has increased the workload which is being handled by the existing Waco work force.

David Goodwin, management analysis officer, said many new management techniques instituted by the Waco VA office have helped to increase productivity.

John R. McCarroll, chief, administrative division, said that there are more than 675,000 veterans' files utilized in the work of the Waco office.

Coker said copies of Congressman TEAGUE's telegram will be forwarded to all VA offices in the region.

Glyndon Hague, former manager of the Waco office and now special assistant to the chief benefits director, praised Manager Coker and the employes of the Waco office.

There is no doubt about it," Hague said, "Jack Coker is one of the outstanding executives in the federal government and the employees of Waco VA have virtually performed miracles during the past four years. If every government office did its job as well as Waco VARO the administrative problems in government would all but disappear. These people are tremendous."

WICKER BLASTS LONG CAMPAIGNS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, Tom Wicker in his New York Times column of July 28, 1966, said what I have been saying for years, but he said it so much better than I have that I want to include it here.

I have long maintained that our long presidential campaigns take an inordinate toll of both the candidates and the public and end by failing signally to achieve their objective of bringing the issues to the voters for rational discussion. All this is done at a cost that staggers the imagination through expenditures which might be put to a much better use.

I urge that these campaigns be limited by law to 60 days. My bills, H.R. 96 and House Joint Resolution 16, would accomplish this objective.

Read what Mr. Wicker says about the effects of some of the recent presidential campaigns upon the candidates who were involved.

I hope that consideration will soon be given to my bills by the Congress so that our quadrennial political circus can be brought to the same normal and reasonable limts which obtain in nearly every other civilized country in the world.

THE HOMECOMING OF BARRY GOLDWATER

(By Tom Wicker)

WASHINGTON, July 27.—Barry Goldwater revived today what used to be a substantial love affair between him and the Washington press that he first alienated and then denounced during the 1964 Presidential campaign.

The way he and his friends see it now, he told the National Press Club, "in our hearts we know you're doing your best—and in your hearts, you know we're right."

AFFAIRS OF THE HEART

This was not the only affair of the heart that crept into Mr. Goldwater's relaxed discourse. Speaking of his love for the Grand Canyon of his native Arizona, he said, "If I've ever had a mistress, this is it. It may not be the kind you'd think of, but it tells no tales."

This was vintage Goldwater of the pre-1964 variety—relaxed, amiable, mildly profane, full of Rotarian humor, tanned and smiling, every inch a man who enjoys cooking hamburgers on the backyard grill and hates to shave on Sundays.

Asked how he would solve the big-city race riots, Mr. Goldwater said first what most Americans would—"That's a helluva question." And when he showed a home movie of the Grand Canyon that included scenes of himself being ducked in the Colorado River he closed on a final shot of a derisive sign painted on the canyon wall—"Tippecanoe and Barry too."

"I never did understand what that meant," he said.

Not enough Americans got a look at this likable Goldwater during the 1964 campaign. Our national political epics, in fact, have become so big, so long, so impersonal, so bound up with communications and technology, so centered on images rather than men, that it is almost miraculous if the voters are able to sense any more the real quality of the human beings they must choose between. Worse, the pressures of these quadrennial marathons on ordinarily stable and reliable men are brutal.

A MERE SHADOW

The 1960 campaign reduced Richard Nixon to a gaunt, irritable, almost frantic shadow—as the public saw him in the last days—and even John F. Kennedy in the stress and rigors of those relentless months disclosed little of the humor and intellect that were to distinguish his brief Presidency.

So mild a man as Dwight Eisenhower turned peevish at Adlai Stevenson's quips, and the eloquent Stevenson of 1952 eventually wound up as a perspiring, harried man going through obviously repugnant motions in the hopeless final months of 1956.

In 1964, Mr. Goldwater never really seemed to recover his poise after his first exposure to the pressure of Presidential campaigning in the New Hampshire primary. From that point on, he grew steadily more remote, his natural good humor ebbed away and his reluctance to mingle with crowds and reporters became a fixation.

Millions of Americans saw him only as a dour, bespectacled, rather frightening figure speeding past in a closed limousine, or propounding vaguely frightening propositions from a faraway podium while the ever-present faithful screamed fanatically.

Just once today Mr. Goldwater disclosed something of what the crucible of 1964 must have been like for him. He had made his famous speech extolling "extremism in the defense of liberty," he said, after he had been "completely taken apart, cut up and spit out by two men I thought were friends —a reference to his bitter struggles with Nelson Rockefeller and William Scranton. "I was pretty fed up at the time," Mr. Goldwater said, in obvious understatement.

The pressures of national political campaigning surely will continue to mount as the stakes grow ever larger, and it will become even harder to see the real men involved as more and more candidates hire public relations firms and television directors to retool, repaint and recharge them for the race.

There is probably not much use lamenting this, but it may account for a special quality in the welcome the old Barry Goldwater received today from his friends. Not many of them ever thought he was Presidential timber and even fewer liked his 1964 campaign. He still displayed an unsurpassed ability to refine complexities into misleading simplicities—as when he streamlined Martin Luther King's doctrine of civil disobedience into the charge that Dr. King had urged Negroes "to take the law into their own hands."

MAN AND IMAGE

But it's hard to hold that too much against a man who could take the licking he did and then say today that he had "arrived two years late for the Presidency and two weeks early for the wedding." The image never did do credit to the man, and there are not many politicians of whom that can be said.

AMERICAN EDUCATION SYSTEM

Mr. WILLIAM D. FORD. Mr. Speaker, I ask unanimous consent to

address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, the proposed regulations, 26 CFR 1, as carried in the Federal Register for July 7, 1966, if enforced, will result in a serious setback to the work of the Congress in improving American education. This regulation will negate the effectiveness of much of the new legislation designed to improve the quality of instruction.

In hearings before the General Education Subcommittee, on which I serve, almost every witness stressed the importance, indeed the vital necessity, for teachers to be retrained and upgraded, not only in subject matter, but in new techniques of teaching.

While the Congress has provided some Federal fellowships and institutes for teachers, these are only a drop in the bucket compared with the need. By far the great majority of teachers voluntarily, and from their own meager financial resources, finance their own in-service training.

Despite a variety of Internal Revenue Service interpretations on the deductability of teachers' educational expenses, by and large in recent years, the rulings of the court have been in favor of deduction of such expenses by teachers.

The Internal Revenue Service now proposes that expenses incurred by teachers for courses which lead to advanced degrees in their profession will not be deductible. Most colleges are beginning to require post-baccalaureate students to enroll in planned programs leading to the advanced degree. Thus, the teachers are caught between the wise policies of institutions of higher education and the peculiar reasoning of the IRS. The net result will be that the step up in improving teacher qualifications will come to a virtual halt. And the schoolchildren are the ones who will suffer most.

On July 28, I introduced House Concurrent Resolution 927, which would express the sense of Congress that the IRS proposed regulation herein discussed not be made effective or enforced until Congress has authorized such a regulation by the Internal Revenue Service.

One of my distinguished colleagues from Michigan, Congresswoman MARTHA GRIFFITHS, and many other Members have introduced bills to correct the confused situation brought about by IRS in relation to the deductibility of teachers' educational expenses.

It is my sincere hope that legislation of this type can be enacted by the 89th Congress. It is the purpose of House Concurrent Resolution 927 to deter the Internal Revenue Service from proceeding to further confuse the issue at this time, pending enactment of appropriate legislation.

AMENDMENTS FOR THE RECIPROCAL EXCHANGE OF AIR ROUTES WITH FOREIGN NATIONS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JARMAN. Mr. Speaker, today I am introducing a bill which will amend a section of the Federal Aviation Act in order to correct a situation which places U.S. air carriers at a very serious competitive disadvantage with foreign air carriers. This bill, which is identical to bills already introduced by several Members of this body, will remove a procedural anomaly that has developed in the administration of the act that poses a very real threat to national interest.

Under the present provisions of the act, the President has authority to negotiate international agreements for the reciprocal exchange of air routes with foreign nations. Once an exchange of routes has been agreed upon, each nation designates a carrier or carriers to operate over that route. After designation, a carrier must, however, apply to the Civil Aeronautics Board for a formal license to commence operations. In the case of foreign air carriers, the procedures are simple and expeditious and, assuming Presidential approval, the CAB usually issues a foreign air carrier permit within a matter of 60 to 90 days after the filing of the original application. Once the foreign air carrier permit is issued, the foreign airline is fully authorized to commence service.

Mr. Speaker, in contrast to the simple and expeditious procedure enjoyed by foreign air carriers, under present law and regulation an American-flag carrier is almost always required to participate in a certificate proceeding before the CAB—an administrative process that typically involves many applicants and is inevitably awkward and time consuming, frequently requiring 4 or 5 years for completion. Only after this procedure is completed may an applicant receive a certificate authorizing it to begin service on the same route agreed upon by the two countries years before.

The bill which I am introducing today is designed to empower the President and the CAB to act to eliminate this competitive disadvantage. The bill will authorize the President and the CAB to act with equal promptitude in licensing American-flag carriers on routes now being exploited solely by foreign air carriers. Specifically, it authorizes the Civil Aeronautics Board to exempt one or more such carriers from the usual certification requirement for a temporary period, subject to approval by the President.

Mr. Speaker, we simply cannot afford to give foreign air concerns a head start in the exploitation of new international routes, particularly since a high proportion of the passengers traveling these routes will be U.S. nationals. I urge every Member of Congress to take steps to insure that this situation will be corrected during this session of Congress.

THE AIRLINE STRIKE

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, perhaps after a long, hard day of deliberations—and I hope it is about coming to an end—a comment relating to another subject matter might be a welcome relief at this point. I do not know exactly how to entitle these remarks. Perhaps it should be "The Red-Faced Florida Officials" or "Should We Take Up Our Abode in the Seminole Indian Tepee, Our Faces Being Sufficiently Red," or should it be, "The President Announces the Birth of a Beautiful Strike Settlement, but the Only Trouble Is It Was Stillborn."

Mr. Speaker, I read in the Sunday paper a rather interesting advertisement signed by my distinguished Governor of the State of Florida, Florida's outstanding Democrat leader, Haydon Burns, in which it says in the Washington Star of Sunday:

> Thank you, Mr. President . . .
>
> Six million Floridians join with me in congratulating you on the personal leadership that has now settled the crippling strike of five major airlines.
>
> We are taking this means of publicly expressing our gratitude to you for your leadership in ending this strike. All Florida thanks you.
>
> Respectfully,
> (Signed) HAYDON BURNS,
> *Governor of Florida.*

Well, Mr. Speaker, I did a little bit of checking, out of interest, because I just wondered where the money came from for this premature "thank you"——

Mr. GROSS. For a full-page ad?

Mr. CRAMER. For a full-page ad, thanking the President of the United States for an act not completed.

So I checked with the Florida Development Commission, and I guess that director is just about red faced enough to take up an abode in the tepee that I mentioned previously.

The Florida Development Commission advised me that this full-page ad cost $2,615 for this premature announcement—"Six million Floridians join with me in congratulating you on your personal leadership in settling the strike."

Mr. Speaker, I think it is about time that maybe someone had ought to join me in demanding, along with those 6 million Floridians, that the money be returned.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. YOUNGER. Mr. Speaker, I thank my colleague from Florida for yielding.

Mr. Speaker, I received a telegram today which was quite interesting, addressed to my office, as follows:

> Airline strike must be lifted. Losses in flower industry mounting. Government plane carrying Luci's flowers while other customers are denied transportation. Please urge your committee to recommend compulsory arbitration.
>
> BILL ENOMOTO,
> *President, San Mateo County Farm Bureau.*

Mr. CRAMER. They need the benefit of a full-page ad too, I guess, "Thank you, Mr. President."

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I wonder if the gentleman from California [Mr. YOUNGER] could provide me documentation for this allegation that a Government plane is carrying flowers for the wedding?

I have had a preliminary check made, and find no information as of this date to that effect.

I cannot vouch for what the real facts are, but the preliminary check indicates than no flowers are being brought to Washington from California for the wedding by a Government plane.

Mr. YOUNGER. Mr. Enomoto, the President of the Flower Association out there, says so, and I am taking his word for it. I have not checked it.

Mr. MAHON. Are they bringing the flowers from California to Washington—is that the gentleman's understanding?

Mr. YOUNGER. Well, our State and our county particularly furnished most of the flowers for the big ceremony over in England. We do that all the time. It is a great source for orchids.

Mr. CRAMER. Mr. Speaker, if the gentleman is going to use all of my time in bragging about California, I am going to have to refuse to yield further. I am sure that this full-page ad will be of sufficient interest to all Members, and I shall have it placed in the RECORD.

The matter referred to follows:

[From the Washington (D.C.) Sunday Star, July 31, 1966]

THANK YOU, MR. PRESIDENT . . .

Six million Floridians join with me in congratulating you on the personal leadership that has now settled the crippling strike of five major airlines.

Of all the issues at stake in this tragic strike, none was greater than the public welfare. Your action has demonstrated your understanding of the devastating effects of this stoppage upon millions of wage-earners and businessmen who were innocent victims of this dispute.

A continuation of this strike would have inflicted even greater damage on the already severely affected economy of Florida and the many other areas of the nation that were deprived of vital air transportation facilities. Your own "VISIT USA" program to which so much effort has been devoted would have suffered a still more serious setback as additional numbers of Americans would have vacationed abroad while our visitors from overseas would have cancelled their plans to visit our country. This was a situation that urgently called for the national leadership that only the President can provide.

As America's leading resort state, Florida now looks forward to welcoming a midsummer floodtide of family vacationers who will come from all parts of the nation and from Latin America and Europe as well.

We are taking this means of publicly expressing our gratitude to you for your leadership in ending this strike. All Florida thanks you.

Respectfully,

HAYDON BURNS,
Governor of Florida.

COMMUNICATIONS AND THE KNOWLEDGE INDUSTRY—ADDRESS BY ROBERT W. SARNOFF

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Mr. Robert W. Sarnoff, president of the Radio Corp. of America, delivered an address at the commencement exercises at Washburn University, Topeka, Kans., on June 5, on the subject "Communications and the Knowledge Industry." His address follows:

COMMUNICATIONS AND THE KNOWLEDGE INDUSTRY

(Address by Robert W. Sarnoff)

I am profoundly honored by the degree Washburn University has conferred on me, and I am privileged to join you in one of the most stirring ceremonials of an educated society. Although my own commencement occurred 27 years ago, it is not so ancient that I cannot share the excitement and challenge that surround this occasion. I hope, however, that it has also been time enough for me to acquire the appearance of gravity that is expected of a representative of an older generation when addressing a younger one.

There have been times when the dialogue between our generations has had an uncertain and elusive quality. In recent years, commencement speakers have not always known whether to reprove their listeners for insufficient concern with the world or an excess of it—for sitting out or sitting in. As a result, some of us have become like Mark Twain, who doubted the ability of the generations to communicate at all. Twain left home at the age of 18 because he thought his father was too far behind the times. He returned at the age of 24 and remarked that he could not get over how much his father had learned in six years.

If occasionally we have not been communicating on the same wave length, and there has been too much static in the air, it seems to me that this is due not so much to a difference in our years but to a fundamental difference in our times. The world has changed more in the 20 or so years of your existence, since World War II, than in all the previous millennia of recorded history.

Your generation has witnessed, among the many changes, a population explosion of newly independent nations, a epidemic of international conflicts, and the steadily increasing role of government in society. You have also been privy to the first glimpses of man's ultimate control over his environment—the unleashing of thermonuclear forces, the extension of the electron to virtually every human activity, the exploratory probings into the secrets of life, the reaching out to the moon and planets. The wonder is that we communicate with each other as well as we do.

Whatever the distance between us, there is a bridge that can bring meaning and understanding to our dialogue. You cannot venture into the uncertainties of the future without reference to the certainties of the past. Your challenge is to join the forces of the old and the new—experience and experiment, history and destiny, the world of man and the new world of science. How well you achieve this synthesis will be the measure of your future successes or failures. We can at least help you part of the way in constructing the bridge.

Perhaps the most distinctive characteristic of this era is its emphasis on an element of power that has not been fully utilized in the past to advance the human destiny. That power is knowledge. Like electricity and other forms of physical energy, it can be channeled into new products and services, new human activities, and even the creation of new forms of society.

The preoccupation with knowledge has moved outward from the classroom and the laboratory into the business office and government bureau, farm and factory; from the seats of learning to the centers of decision. It has even been suggested that the entire business of man ultimately may become learning and knowing, and all forms of wealth will be created by the movement of information.

THE "KNOWLEDGE INDUSTRY"

The "knowledge industry," as the experts are beginning to call it, covers the entire information spectrum, from research and education to television and publishing. It is everything that relates to the acquisition, processing, and dissemination of information. This industry is growing at a rate twice that of the economy as a whole, and by the time most of you are 40 it may account for as much as half the gross national product. Consider, for example, the information that will be streaming in from satellites scanning the world of space, from electron microscopes probing the world of the molecule and atom, from computers assembling, sorting, and retrieving every item of knowledge recorded by humans.

Moreover, this industry generates its own momentum. Each increase in the sum of knowledge increases the complexity of the society which uses it, and this, in turn, calls for more knowledge. It is small wonder that the world's information, which is doubling with each generation, has grown far beyond the capacity of any individual to comprehend it all. And this has led to a dilemma and a crisis in the human condition and the social organism.

THE RISE OF SPECIALIZATION

Because no man is a computer, capable of total information storage and recall, he is penned increasingly into areas of specialization—forced to make a choice of interests, condemned to know more and more about less and less. The result is that at a time when he should encompass an increasingly wide range of knowledge, his scope has narrowed. Specialization has bred parochialism and ignorance of other fields. Ignorance has led to indifference, and indifference has sometimes festered into hostility. Nowhere is the schism more evident and nowhere is it potentially more perilous to the progress of mankind than the one which exists between technology and the humanities.

The estrangement is not altogether novel. Marshall McCluhan, the provocative student of technology and communications, places the great divide in the late Renaissance, when the invention of the printing press finally assigned the symbols of the two cultures—the scientific and the humanist. Numbers were established as the language of technology, and letters as the language of the humanities.

In the centuries since Gutenberg, the gulf between these disciplines has steadily grown wider. New discoveries and inventions, proceeding at an accelerating rate, have greatly extended man's perception and control of his natural environment. In sheer volume, these developments have far outstripped progress in the perception and control of the human environment. This imbalance has further aggravated the division.

Scientists, engineers, and technicians—increasingly important members of the population—are often too preoccupied to give serious consideration to the humanities and social fields. Thus, they frequently suffer from the absence of values which give meaning to life and direction to work. Talents which could be tremendously helpful in the social fields are seldom put to such use.

THE FEAR OF TECHNOLOGY

On the other hand, the creative artist and social commentator rarely take the time or make the effort to understand the technology that has become so much a part of their life and times. From their ignorance and misunderstanding springs the mistrust of science that permeates so much of today's creativity.

A recurring theme in literature, typified by the novels of Aldous Huxley and George Orwell, is that man has lost control of his technology. Like the sorcerer's apprentice, he has become the slave instead of the master of the machine. The French sociologist, Jacques Ellul, carries the thought a step further by asserting that it is not merely the machine that is taking over but what he describes as technique, or the movement to rationalize and standardize all human activity. This force, which he says has become an end in itself, is subverting the traditional values and dehumanizing man himself.

The fear of technology is as ancient as the legend of Prometheus stealing fire from the gods or the story of the Chinese sage who refused to use a plough because, as he said, "Whoever uses machines grows a heart like a machine." This thought was carried to its logical conclusion a century or so ago in the novels of Samuel Butler. He proposed that the problem be solved by suppressing knowledge and demolishing machines.

These prejudices are not academic nor are they limited to a handful of intellectual mandarins. In one form or another, they extend to every strata of our society, which cheers the latest breakthrough in science but worries about the consequences. The dispersal of a mushroom cloud around the world moves us to awe at man's unlimited power and to dread at his limited wisdom. We want all of the products of automation but so many of our present-day labor troubles are in protest against its dislocations. A cliché of the entertainment world is the mad scientist—indifferent to the fate of humanity and intent only on proving out his theories. So the schism grows, and it has both its serious and its lighter aspects.

The answer to the problem of increased knowledge is not greater ignorance any more than the answer to the computer is a return to sampling a witch's cauldron or divining the flight of birds. The solution to the information explosion lies in the better organization of knowledge, in its broader distribution and use. We need to put our intellectual house in order so that we can move easily from room to room and feel at home with any mental furniture—from the purely aesthetic to the wholly functional.

BALANCING SCIENCE AND ART

In a limited sense, other ages and societies found the answer, and it is up to your generation to do so again in the face of a far more formidable challenge. For the ancient Greeks, as Edith Hamilton has pointed out, "The truth of poetry and the truth of science were both true." They sought and brilliantly achieved the development of the whole man, and the result was a human flowering that gave birth to Western civilization.

A similarly broad approach to life was attained by the Renaissance man, personified by Leonardo da Vinci with his creative genius as an artist and inventor, or by Lorenzo de' Medici as statesman, poet, mercantilist, and patron of the arts. At a later time, the Age of Enlightenment produced such giants as Franklin and Jefferson—men of science, statesmen, social philosophers.

What was common to all these men and to their times was the balance they achieved between science and art, reason and emotion, hard fact and human intuition. And in those days a man of intelligence could hope to grasp most of the knowledge that was then available.

NEW INSTRUMENTS OF INFORMATION

But today, no mind is capable of such accomplishment unaided. The facts are too many, their variety too great, their complexity frequently too rich for ordinary comprehension. Yet, the need was never greater for a broadly informed citizenry, capable of understanding the major developments of the age and their relationship. With the facilities available, the means must be found for reconstituting the Athenian and Florentine ideal in a 20th century context. What are these facilities?

The new instruments of information, with their speed, flexibility, and almost limitless capacity are ideally suited to the task of distributing the knowledge of both art and science on the broadest possible scale. Television, for example, has exposed millions to experience in the arts that range from great drama and music to the painting of Michelangelo or Van Gogh and the sculpture of Moore or Giacometti. Through television, the mass audience also has become aware of the challenges of conservation, the problems of air pollution, and the progress of medical science. The viewer is as familiar with space exploration as he is with the travels of Bob Hope.

UNLIMITED CHANNELS

Though it is even younger than television, the computer is now being used to simulate complex social and human ssytems and to shed light on such problems as overpopulation and juvenile delinquency. The same instrument that can plot a space shot at the moon also has become a research assistant to the arts. Computers are helping to prepare a measure-by-measure profile of each of Haydn's 104 symphonies, to collate the five different versions of a Henry James novel, and to edit a concordance to the poems of Emily Dickinson. Indeed, the computer is providing the modern forum for psychologists to work together with engineers, sociologists to collaborate with economists, and literary scholars to blend their labors with mathematicians. The electron, in brief, is removing the barriers and rebuilding the bridges between the sciences and humanities.

In a few years, the range of electronic information will be broadened further by new systems that will provide virtually unlimited channels for the flow of information from any point of origin to any place of reception.

Laser "pipes" between major metropolitan centers will have a capacity for transmitting information millions of times greater than the most advanced systems in use today. Microwave channels and communications satellites will beam television, telephone, and facsimile directly into the home, the office, or school. No sight, sound, printed word, or image will be beyond the immediate reach of the listener or viewer, and computers will provide instant translations from any foreign language. The total panorama of man's knowledge and experience will extend before us in infinite variety.

COMMUNICATION BETWEEN THE CULTURES

With so great a diversity of choices, we will use computers for the further purpose of scanning the vast flow of information passing through the communications channels and alerting us to those events and entertainments that are likely to be of personal interest. Our intake of information will be susceptible to pre-planning—to the kind of balance and diversity which is sought in formal education. Moreover, in a number of areas, this new information system will permit a two-way dialogue, comparable to a question-and-answer session between student and teacher. Thus, we will begin to experience the mind-stretching effect that has already been observed through the use of electronic teaching aids.

It is interesting to note that these electronic instruments suffer from none of the human impediments to communication between the cultures. They converse with equal fluency through the words of literature, the graphics of art, and the equations of science. Moreover, there is no difference among words, images, or numbers in electronic transmission. They are all so many bits of energy.

Thus, we face the exciting prospect of regaining our mastery over knowledge. And with mastery we will be capable of re-establishing on a far more comprehensive basis the Western tradition of the integral man—utilizing both science and art, mind and spirit, in the fulfillment of his potential.

A NEW AGE OF ENLIGHTENMENT

But this potential cannot be achieved through mechanical devices alone. No instrument, however versatile, and no system, however universal, can substitute for man's own will for truth and understanding. It can only provide the means.

It was not knowledge but the attitude toward knowledge that created the towering figures of Periclean Greece, the Renaissance, and the Age of Enlightenment. It was an awareness that all truths lead ultimately to the final truth—man's place in the cosmos—that gave depth and meaning to their works.

You have the opportunity to create such an Age of Enlightenment in your own century, and this is your greatest challenge—to keep faith with the past while you keep pace with the future; to maintain the human heritage in an era of vast technological change. It was one of the greatest scientific minds of all time, Albert Einstein, who said: "Man is here for the sake of other men."

You will go on learning after you leave this campus, for to cease learning is to cease existing—and today this applies to individuals as well as to nations. But as you pursue your careers and develop your purposes, may I suggest that you keep in mind the broader objectives of your time on earth, to achieve a balance and richness in your personal lives and in the life of your society.

DONATION OF SURPLUS PROPERTY TO VOLUNTEER FIRE DEPARTMENTS

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOODELL. Mr. Speaker, I am today introducing legislation designed to permit the donation of surplus property of the United States to volunteer fire departments.

There is a continuing need for this amendment to the Federal Property and Administrative Services Act of 1949 which deals with the disposal of this property. Volunteer fire departments represent the

highest ideals of service to the community and society at large in thousands upon thousands of towns and villages in the United States today.

Under present law, there is authority to donate available surplus equipment to tax-supported and nonprofit tax-exempt institutions, hospitals, clinics, civil defense units, colleges, universities, and other schools.

Mr. Speaker, huge portions of this country, including some of the suburban areas near the Nation's Capital, are protected only by volunteer units. I believe it is the clear duty of the Congress to aid them where it can do so, particularly since they do so much to help themselves.

All citizens benefit from an active and well-equipped volunteer fire department both from protection afforded and the resulting reduced fire insurance rates.

I believe this is good legislation and should be considered further by the House of Representatives.

NEGROES AND THE OPEN SOCIETY

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, the Honorable Edward Brooke, Attorney General of the Commonwealth of Massachusetts, and the Republican candidate for the U.S. Senate, today released a significant statement entitled, "Negroes and the Open Society." This statement, discussing one of the most pressing problems facing our country, is made by a man tested in public service as attorney general of Massachusetts, a man of great knowledge and experience in the subjects discussed, and a man firm in his resolve to help achieve the American promise of freedom and equality of opportunity for all men.

Attorney General Brooke seeks a truly "open society—a society which extends to all Americans the freedom and opportunity to have equal justice under law, to obtain quality education, to enjoy decent housing and good health, and to gain access to the economic benefits available under the free enterprise system." He thoughtfully sets forth his recommendations and approaches to achieve these goals, and concludes with this comment:

> For over the course of more than three centuries, we have dared to seek strength for our society by giving freedom to its members. We have liberated common men and women and have discovered uncommon faith and power. We have dedicated ourselves to the importance of the individual and have achieved unparalleled greatness as a Nation.

Mr. Speaker, I am inserting the text of Attorney General Brooke's statement at the conclusion of my remarks, not because all will agree with its every thought, but because it represents an important contribution to the dialog on civil rights. The challenge it sets forth tells much of this outstanding public official.

NEGROES AND THE OPEN SOCIETY

(By Edward W. Brooke, attorney general of the Commonwealth of Massachusetts, and Republican candidate for U.S. Senator)

Racial discrimination has struck at the heart of the American dream—the promise of freedom and equality of opportunity—for over two hundred years. It has gnawed at the political and social fabric of America, at times threatening to overwhelm us. It has exacted high costs—in human suffering, economic loss (a loss that approached $27 billion in 1966), inferior education, blighted neighborhoods, and infant mortality to mention only a few. Racial discrimination has been a serious handicap to our foreign policy. especially in our relations with the peoples of the developing nations of Asia, Africa, and Latin America.

As the Republican candidate for the United States Senate, I advocate a broadly-based, massive assault against all remaining forms of discrimination in American life.

I call for an Open Society—a society which extends to *all* Americans the freedom and opportunity to have equal justice under law, to obtain quality education, to enjoy decent housing and good health, and to gain equal access to the economic benefits available in a free enterprise system. In order to achieve an Open Society, the thinking and approach to the problem of civil rights must be redirected. There must be a major shift in emphasis in current programs. I suggest three guidelines.

1. A coordinated, comprehensive, strategic attack: The problems of racial discrimination are interrelated. They occur in discernible patterns. Patterns of segregation in housing are reflected in *de facto* segregation in schools. Substandard education is correlated with high rates of unemployment. Limitations on employment and the opportunity for vocational advancement, in turn, restrict income and economic mobility.

Discrimination is a *system* that will yield only to a coordinated, comprehensive, strategic attack. In recent years, other than civil rights groups, the Federal Government has borne the brunt of this attack. But state and local governments and the private sector of our nation—our universities, churches, our labor unions, businesses and civic associations—must be allies. An excellent example has been Massachusetts, which has actually moved in a direction that is well in advance of the Federal Government.

If this nation is to deal with more than the individual symptoms, a constructive partnership will be needed between the public and the private sectors at all levels.

2. Metropolitan planning: The problem of discrimination against the Negro is no longer a regional problem. The experiences of depression, war, and population migration have made it a problem of national scope, increasingly focused in our metropolitan centers of population. Negroes who have moved to the nation's cities, have been excluded by economic and racial barriers from the predominantly white residential suburbs. The growing ghettos of our central cities, with their deteriorating housing, inferior schools and generally inadequate public facilities now stand as the greatest challenge to the achievement of an Open Society.

If the nation is to resolve the problems stemming from racial concentration in our cities it will need metropolitan-wide planning. It cannot be bound by local prejudice or by the inertia of poorly conceived governmental programs. Too many Federal programs stop with the central city when the basic problems of discrimination are much wider. Here must be a willingness to experiment with enlarged governmental districts, intergovernmental compacts, new site locations for housing, schools, and other public facilities, and programs that link two or more communities in the metropolitan area.

In substance, a new metropolitan perspective must be applied to virtually all facets of discrimination in our urban society. Without such planning, the problems of the ghetto will become insurmountable.

3. Vigorous enforcement of the law: Another guideline for any effective civil rights program is vigorous enforcement of the law. The national Administration's failure to enforce civil rights laws has caused great disappointment.

Title VI of the Civil Rights Act of 1964 bans discrimination in all Federally assisted programs. But not until May of 1966 did the Secretary of Health, Education and Welfare announce that Federal funds would be withheld from school districts that practice discrimination. One year after passage of the Civil Rights Act, the United States Commission on Civil Rights found that there were discernible patterns of noncompliance in nearly two-thirds of the hospitals surveyed—despite the fact that each hospital had received financial assistance from the Federal Government. And to date, the Justice Department has failed to appoint any Federal registrars to Georgia under provisions of the Voting Rights Act of 1965, even though that state has the largest number of unregistered Negroes of voting age. These are only the most blatant examples of executive inaction.

Weak enforcement can be traced in other areas to inadequate planning and staffing. Moreover, some enforcement procedures have proved to be ineffective tools in rooting out discrimination. The complaint system, for example, has generally proved useless because the burden of filing court suits has been placed on the victims of discrimination.

Existing civil rights law must be a more potent weapon in the war against segregation and discrimination. Legislation must be vigorously enforced. Enforcement agencies must be provided with adequate staffs to provide the necessary leadership. And those laws which contain inadequate enforcement procedures must be amended.

These principles should guide our attack in the following major areas of discrimination in American society.

I. EDUCATION

Twelve years after the Supreme Court decision on school segregation, virtually no progress has been made in desegregating our schools. Only about 6 percent of Southern Negro children attend school with white children.

In both the North and South Negro schools are almost always inferior in quality to white schools; and both Negro and white school children now receive an inferior education to the extent that they are not being prepared to live in a pluralistic society. The elimination of segregation from the schools is the most critical issue facing American education today.

The United States Office of Education sets the guidelines under which school systems must desegregate. The most recent guidelines of March 1966 are considerably stronger than those issued in the past. However, despite the May deadline for filing compliance agreements for the 1966–67 school year, by mid July, 78 school systems in the South had failed to submit plans for desegregation as a first step for meeting government demands. Close to 90 more school districts had submitted agreements but attached conditions that may prove unacceptable upon review.

In the face of this open defiance of the Civil Rights Act of 1964, no Federal funds were withdrawn from school districts that

discriminate until May of this year and only 12 districts were affected at the time.

Whereas segregation in the South has traditionally been supported by law, Northern style segregation, commonly referred to as *de facto* segregation has risen primarily from community custom and indifference, segregated patterns of housing and gerrymandered school districts.

In Philadelphia, 58 percent of the pupils enrolled in public schools are Negro; in Manhattan, 75 percent of the children are nonwhite; in Washington, D.C., 89 percent of the pupils in public schools are Negro. And the percentages are increasing.

The tragedy of the ghetto, however, involves more than the racial concentration of our schools. As psychologist Dr. Kenneth Clark states, "segregation and inferior education reinforce each other." The quality of education invariably suffers.

The Federal Government has taken no action in the North in the mistaken belief that the mere *threat* of withholding funds would force school districts to take steps toward ending *de facto* segregation. But even this threat has been removed with the recent announcement by Secretary of Health, Education, and Welfare John Gardner that Title VI of the Civil Rights Act of 1964 did not apply to *de facto* segregation.

Recommendations

To meet the crisis in education faced in the North and South alike, I strongly urge that the following steps be taken:

1. Action on school desegregation:

*Prompt and vigorous enforcement of Title VI of the Civil Rights Act of 1964 (banning discrimination in all Federally assisted programs) is required. The Federal Government must not hesitate to cut off funds from school districts which fail to meet the Government's standard. To assure this end:

*Congress should provide adequate staff and funding for the enforcement operation of the Office of Education and should increase its initial appropriation of $3 million to desegregating school districts.

*Congress should enact Title III of the Administration's Civil Rights Bill of 1966 which would strengthen the Office of the Attorney General in desegregation suits. This section would allow the Attorney General to file desegregation suits, even if he did not have a written complaint and local residents were financially able to sue on their own behalf.

2. Reducing racial concentration: Short-term measures such as the pairing of schools, busing (for example, the Metropolitan Council for Educational Opportunities—better known as METCO—in Massachusetts) and open enrollment while quite useful, should not be regarded as permanent solutions to the problem of racial imbalance. An adequate solution will require metropolitan area planning.

*Congress should move to clarify the ambiguities contained in Title VI of the Civil Rights Act of 1964 by enacting legislation which makes *de facto* segregation of schools illegal and provides for the withholding of funds from school districts which practice *de facto* segregation. The Federal courts should be given the authority to enforce the provisions of the law. At present, Massachusetts is faced with an anomalous situation in which state funds have been withheld because of *de facto* segregation in the Boston school system, while millions of dollars are poured into the City by the Federal Government.

*Federal grants issued under Title I of the Elementary and Secondary School Act should be used as incentives to metropolitan planning. Federal funds issued for school construction should be used to break up, rather than strengthen the patterns of segregation.

*The states, in cooperation with the Federal government, localities, and private sector, should implement effective metropolitan planning in education. Such planning should include the enlargement of school districts, new transportation patterns, and the construction of new schools aimed at reducing racial concentration.

*Educational parks, in particular represent a promising, bold approach to the problem of achieving quality education and more racially balanced schools. These school complexes would assemble on a single large campus children from an attendance area broad enough to include both majority and minority children. The concentration of students, teachers and resources would result in richer programs and more services than any individual school could provide. Their strategic location would help alleviate the problem of racial imbalance as well.

3. Teachers and curriculum: Teachers can play a vital role in upgrading the quality of education and in school integration.

*Where practice teaching is done on a segregated basis, the Federal Government should take action under Title VI of the Civil Rights Act of 1964.

*State Departments of Education and local Boards of Education should actively recruit and train qualified teachers who are Negro.

*Congress should provide adequate funding for the National Teacher Corps, an imaginative effort aimed at breaking down the vicious cycle of poverty and ignorance in rural and urban slums.

*A comprehensive system of pre-school centers for underprivileged children operating both during the school year and during the summer months is required. The highly successful Operation Headstart program should be expanded, systemized, and imaginatively administered.

*Finally, new methods of curriculum should be devised. Textbooks should reflect a more realistic view of the role of minority groups in our history.

II. HOUSING

For millions of Negroes, housing means the lack of free choice in selecting a place to live, and congested ghettos that breed broken homes, delinquency, illegitimacy, drug addiction and crime. Since World War II, the pattern in housing has been new homes in the suburbs for white families with rising incomes and old homes in central cities for Negroes. Indeed, the trend in recent years has been accelerating.

Because I believe the situation in housing has reached crisis proportions, I strongly urge that the following steps be taken:

1. Banning housing discrimination: The Administration's housing bill banning racial discrimination in the sale, rental or financing of all types of housing, represents a potentially important advance in assuring freedom of choice in the open market. This legislation is a significant step toward achieving the promise and spirit of the Constitution and the Declaration of Independence. Nevertheless, the Administration's method of attacking discrimination in housing ignores a more potent instrument.

*The President could deal with the problem of discrimination in housing more effectively by issuing an appropriate executive order. President Kennedy's Executive Order No. 11063 banning discrimination in FHA and VA-financed housing, covered 20 per cent of the total housing supply. By extending the Executive Order to all housing financed through banks and savings and loan institutions whose deposits are guaranteed by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC), more than 80 per cent of the housing supply could be covered.

*In the absence of an executive order, the Administration's Bill should be supported. However, it should be strengthened in its proposed methods of enforcement. The concept of a Federal Fair Housing Board with effective enforcement powers—adopted as an amendment in the House Judiciary Committee—has sound precedent in numerous state open housing laws.

States and local governments should also take the initiative in ensuring open housing. Massachusetts has strong fair housing laws. They have been widely accepted by the citizens of the Commonwealth. Eighteen states now have similar housing laws on the books. These laws should be strengthened and vigorously enforced. The Massachusetts Republican Platform of 1966 calling for increased funds and authority for the Massachusetts Commission Against Discrimination should be implemented.

2. Housing low and moderate income families: Our present Federal and state housing programs have been hampered by inadequate funds, poor planning and the power of suburban areas to veto housing plans, thus confining subsidized housing to the core city ghetto.

A coordinated effort between our public and private sectors is urgently needed to increase the rate of housing production for low and moderate income families. The present rate of housing production is only 1.4 million units per year. Most of this housing is priced beyond the reach of families below the median income level. Housing production must be increased to at least 2 million units per year—at least half of which should be made available to low and moderate-income families. Both Federal and state governments and private sources as well should contribute toward filling this gap.

Congress should provide funds for the Department of Housing and Urban Development (HUD) to conduct research in such areas as the amount of sub-standard housing and the need for low-income housing in the nation so that Federal programs may be directed to the areas of greatest need.

The rent supplement program recently approved by Congress should be made metropolitan wide in scope by elimination of the amendment allowing local governments to veto rent supplement projects. As originally introduced, the rent supplement bill was designed to encourage the development of housing throughout the metropolitan region and to rent a portion of these new units to low income families under a supplement program. The local veto amendment minimizes the possibility of locating units outside of congested city cores.

3. Metropolitan planning: Any attempt to reduce racial concentration in housing must necessarily involve the dispersal of low-income families through metropolitan planning. The various governmental units must undertake joint ventures to meet the problems of both desegregation and increasing the supply of low and moderate income housing on a metropolitan area-wide basis.

Districts within the metropolitan area should be rezoned and provisions made for low and moderate income housing programs. These programs should be comprehensive enough to provide for community services and transportation networks to other areas.

Federal and state housing funds going to local governments should be used as incentives for the development of metropolitan-wide plans for low and moderate income housing.

4. Revitalization of the ghetto: On a long-term basis, the plight of the ghetto can and will be relieved by an open market in housing and meaningful planning of low and moderate income housing outside of the central city. In the meantime, we must utilize our present resources to rehabilitate the ghetto.

It is not enough to tear down and renovate our slums. Equally important is the need to link the physical rehabilitation of the

slum to the social rehabilitation of its inhabitants.

The Administration's Demonstration Cities Bill represents a new approach to the problem which deserves to be tested. However, the program is deficient in its failure to embrace the entire urban community. The program should provide incentives for planning on a broader scale for those areas in which the problem of segregation transcends the boundaries of the central city.

Community Action Programs provide people living within the ghetto the opportunity to improve their situation through cooperative effort. They also serve to call the public's attention to the substandard living conditions of the "invisible poor." To be effective, these programs will require imaginative approaches by governmental agencies at the local, state, and national levels.

III. EMPLOYMENT

Millions of Negroes remain untouched by the wealth of our affluent society. The unemployment rate among Negroes is 7 percent, more than twice the average for whites. Often, Negroes can only find employment in low-skilled, low-wage occupations and industries with the lowest growth rates and the most limited opportunities for advancement. Moreover, these jobs are most vulnerable to the rapid pace of automation. Joblessness among Negro youths is a particularly acute problem. As of April 1966, 19 percent of out-of-school Negro youths between 16 and 21 were unemployed, twice the rate for white youths in the same category. These unemployment figures are reflected in the mounting welfare budgets of our major cities.

Recommendations

No single, simple, quick measure can eliminate these critical problems. I strongly urge the adoption of a broadly based action program which includes the following points:

1. New enforcement powers for the Equal Employment Opportunity Commission: Title VII of the Civil Rights Act of 1964 which prohibits discrimination by employers, unions, and employment agencies should be strengthened. At present, the Equal Employment Opportunity Commission, created by the Act to carry out Title VII, can only investigate complaints of discrimination and then seek conciliation. If no redress is possible, the individual must take the initiative in seeking redress in the courts. Because of the complaint system, the EEOC has had only negligible impact on employment discrimination. In addition, the EEOC has been hampered by insufficient investigative powers and resources, limited enforcement powers which are complicated and ineffective, and a lack of administrative authority to undertake or coordinate manpower development or economic opportunity programs in support of its enforcement activities.

Title VII of the Civil Rights Act of 1964 should be amended to authorize the Equal Employment Opportunity Commission to issue cease-and-desist orders against individuals engaged in unlawful employment practices and to order back pay to those who have suffered financial loss through the denial of equal employment opportunity.

2. State fair employment practices commissions: A number of states have made important advances in establishing state antidiscrimination commissions. However, the effectiveness of these state agencies has often been limited by inadequate financial support and excessive restraint in enforcement.

States should take the initiative in strengthening state fair employment practices commissions. In this regard, I urge implementation of the 1966 Massachusetts Platform plank which calls for strengthening the Massachusetts Commission Against Discrimination (MCAD).

3. Eliminating discrimination in trade unions: In spite of the progress made by labor unions to promote equal employment practices, a number of unions continue to discriminate against Negroes. Unions have a special obligation to make a place for those against whom they and employers have too long discriminated. I urge, therefore, that:

Government contracting authority, in accordance with the Civil Rights Act of 1964 and an executive order banning discrimination on work done by Federal contract, be used to insure equal employment practices and expanded training opportunities on all Federal projects. It is regrettable that the Departments of Labor and Justice did not initiate action against trade unions to enforce nondiscrimination on government contracts until February, 1966.

Unions on all levels evaluate and revise all programs and practices that discriminate unfairly in job placement, job training or advancement. National union leadership should take affirmative action against unions that continue discriminatory practices.

Unions increase job opportunities in the skilled crafts and building trades by a) actively recruiting Negroes and others into craft unions; b) establishing pre-apprenticeship training to help Negro youths qualify for apprenticeship programs.

4. Metropolitan job councils:

Metropolitan Job Councils should be established by private sources in all major urban areas to plan, coordinate, and implement local programs to increase job opportunities for Negroes. Membership should include representatives of business, organized labor, education, and other appropriate community organizations. These councils would accumulate up-to-date information on the Negro labor force and job opportunities in the area, and would help coordinate and improve existing programs. Technical assistance would be offered by the Councils to help employers and unions make positive efforts to recruit Negro workers, and eliminate unnecessarily rigid hiring specifications.

5. Rural employment programs: Many marginal farmers have become victims of mechanization, shrinking acreage allotments, and racial prejudice. The migration of unskilled rural Negroes to urban areas has created additional problems. Between 1960 and 1964, the number of Negro farmers decreased by 35 percent. To meet these problems I recommend that:

The Secretary of Agriculture move immediately to implement the recommendations of the United States Civil Rights Commission aimed at the elimination of segregation in Department of Agriculture programs. The Secretary has made little progress in implementing the report which is now over a year old.

The Department of Agriculture extend to Negro farmers the necessary assistance, information, and encouragement to give them the equal opportunity to diversify their farm enterprises.

Federal, state, and local agencies and private groups as well cooperate in the development of comprehensive programs to facilitate the adjustment of rural families moving to urban raeas. Centers should be created in rural surplus labor areas to help potential migrants make arrangements for jobs and housing and should provide vocational and personal counselling.

6. Employment programs for Negro youth: Programs for intensive counselling of Negro youth, the sector of our population with the highest incidence of unemployment, are grossly inadequate. The need exists for year-round youth job placement services.

Counselling services for in-school youths should be improved and expanded with the aid of skilled vocational advisers acqainted with requirements of industry. Expanded high school vocational education programs are also needed in urban and rural areas to train youths effectively for occupations in which employment opportunities are available.

Business and industry should work closely with schools and labor unions through Metropolitan Job Councils where possible to gear in-school training realistically to job requirements and to broaden in-service training opportunities.

IV. HEALTH

Negroes are subject to more illnesses and disabilities than white people; they lose between one and one-third times as many days of work from disease or disability, and have a higher infant mortality rate and a seven years shorter life expectancy. The figures are integrally related to poor living conditions and inadequate health care.

The effects of inadequate health care are compounded by discrimination—especially in the South. Despite the fact that Title VI of the Civil Rights Act of 1964 bans discrimination from health facilities receiving Federal funds, wide-spread discrimination against Negroes still exists. Negro doctors, dentists and technicians are all too often refused staff privileges and excluded from professional societies; Negro nurses are excluded from training programs, paid lower wages and forced to eat in segregated cafeterias; and, Negro patients continue to be placed in segregated wards.

The persistence of this discrimination can be traced in large part to the failure of the U.S. Department of Health, Education and Welfare to take steps necessary to achieve compliance with the law. Effective enforcement action has not been taken. Except in cases where complaints have been filed, field inspections have not even been made to ascertain the extent of noncompliance.

To remedy these abuses in medical care, I strongly urge that the following steps be taken:

1. Enforcing compliance in health care: HEW should conduct surveys and thorough field examinations to determine the extent of discrimination in federally assisted health programs. Funds should be withheld from those hospitals which continue to discriminate against Negroes in violation of the Civil Rights Act of 1964. Finally, HEW should take steps to ensure that hospitals participating in the Medicare program comply with Federal laws against discrimination.

2. Improved health services: While the new programs of Medicare and medical aid for the indigent represent increased provision of medical services to low income families (many of whom are Negro), they should be supplemented by:

Additional experimentation in the concept of neighborhood health centers which provide a range of health services on a coordinated basis to all members of the family in a single location. The neighborhood health center sponsored by Tufts University in the Columbia Point housing development is an excellent example of how health services can be more effectively delivered to low income families that would not otherwise receive them.

Comprehensive study and evaluation of ways of improving the quality and availability of medical services to low income families in both urban and rural areas.

3. Medical research: Organizations, both private and public, should undertake thorough studies to examine the causes of the Negro's high infant mortality rate and lower life expectancy and should develop a comprehensive plan of attack on these problems. The continued disparity between the Negro and white population in these vital statistics is cause for deep national concern.

V. JUSTICE

1. Protecting Negroes and civil rights workers: The tragic shooting of James Meredith in Mississippi is the latest in a series of violent acts committed against civil rights

workers. Since 1960, an estimated thirty Negro and white civil rights workers have been murdered in the South, while countless others have been the victims of beatings, bombings, maimings, and shootings.

The continuing failure of all-while juries to convict assailants has, in addition, focused the nation's attention on the gross inequities in the jury system in the South. We can no longer tolerate a system of justice in which Negroes and civil rights workers are not free to exercise their constitutional rights. We can no longer postpone fulfillment of our national pledge to liberty and justice for all. It is time to guarantee that justice will be done throughout the nation.

A number of bills pending before Congress and sponsored by Republicans and Democrats alike are designed to remedy these flagrant abuses. I urge that Congress enact a strong civil rights bill during this session—one that includes, in this area, the following:

Provisions for a representative cross-section of the population on jury lists, thereby eliminating discrimination on the grounds of race or color in jury selection.

Removal of certain criminal cases to the Federal courts where state jury selection procedures are not in accordance with Federal procedures.

Greater Federal protection against intimidation of Negroes and civil rights workers, including stronger Federal criminal penalties for those who deprive individuals of their federally protected rights.

Amendments of the United States Code so that local, county and city governments are held *jointly* liable with officials employed by the government who deprive persons of rights protected by the Code.

Establishment of an Indemnification Board within the Federal Government with authority to grant money damages to the person(s) whose federally protected rights have been violated.

2. Voting rights: The Voting Rights Act of 1965 largely removed the legal barriers to voting. However, apathy, fear and ignorance continue to impede Negro registration and voting. While Congressional action in the area of voting is not now needed, the Administration must take the lead in enforcement. It has not yet enforced the law in large areas of the South, notably Georgia. Beyond enforcement, the Administration must provide more imaginative and innovative voter registration education where it has sent Federal examiners. Pamphlets and posters in all Federal facilities advertising voter registration might be used. Finally, voter registration hours should be better advertised in Southern communities.

3. Home rule for the District of Columbia: Since 1874 the people of Washington, D.C. have been under the jurisdiction of the Congress—their pleas for self-government largely ignored. The situation is made more intolerable by the fact that 62 percent of the population is Negro, while ten members of the powerful House District Committee are from the South. That this situation should exist in a nation which prides itself on its democratic principles is deplorable enough. But that such a situation be permitted to continue in our nation's capital is reprehensible. Attempts to get a "home rule" bill through Congress this year have once again failed. But this issue must not be allowed to die. I strongly urge Congress to act and to restore democracy to our nation's capital once more.

The challenge of a "Great Society" cannot be fulfilled until we have achieved an Open Society, with equal opportunity for all Americans to obtain quality education, enjoy the minimum comforts of decent housing, sustain a potentially healthful existence, and gain access to the material benefits of our abundant, free economy.

This challenge is a particularly fitting one for the Republican Party, as the party of Lincoln, to undertake. It is a challenge underlined by the noble purpose and inspiration of a uniquely American dream. For, over the course of more than three centuries, we have dared to seek strength for our society by giving freedom to its members. We have liberated common men and women and have discovered uncommon faith and power. We have dedicated ourselves to the importance of the individual and have achieved unparalleled greatness as a nation.

As a people, we must now fulfill the promise of that dream. We must build a truly Open Society where all men have the right to achieve their individuality, where every man has the right to participate in the American dream.

THE HOUSING STAKES

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MOSHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MOSHER. Mr. Speaker, I call the attention of the House to a responsible and positive editorial comment in the Washington Evening Star on Saturday, July 30, 1966, with which I completely agree and which seems very pertinent to the question we face in the House, concerning clarification of title IV of this year's Civil Rights Act.

Mr. Speaker, I agree especially with the Star in it's support of the practical and constructive efforts of our colleague, the gentleman from Maryland [Mr. MATHIAS].

The editors of the Star say this:

THE HOUSING STAKES

Within limits organized Negro opposition to any softening of the administration's civil rights bill would be recognizable as a routine, valid political tactic. The sneering antagonism which some civil rights leaders are displaying toward the bill's fair housing section, however is merely self-defeating.

Representative MATHIAS' amendment exempting individual homeowners from provisions of the bill in connection with the sale of their own property satisfied neither the conservatives nor the liberals on the House Judiciary Committee. It was the means, however, which permitted the bill to move. Without it, this measure would still be deadlocked, and no committee member disputes the fact.

Now that the measure has reached the House floor, some civil rights leaders contend there are sufficient votes to scrap the compromise and pass the housing provision in its original form. Not even the most ardent civil righters in the House, however, support that view. Chairman CELLER of the Judiciary Committee, addressing civil rights leaders the other night, warned flatly that the bill is doomed without the exemption provision, and without language clarifying the right of such individual homeowners to sell through real estate agents.

Roy Wilkins the Leadership Conference on Civil Rights chairman, calls for a housing section "of more substance than a mere legislative title," and one which would not leave the suburbs of large cities "virtually lilywhite."

Neither of those descriptions is applicable, however, to the Mathias amendment. In the first place, no abatement is in sight to the flood of new single-family and apartment housing construction in the suburbs, virtually all of which would be subject to the anti-discriminatory sanctions of the bill. Nor, of course, would an exemption mean that every individual homeowner who desired to sell his house would practice discrimination. The very existence of a law, applying to existing apartments and to all new housing, would inevitably exert powerful influences on the whole field of real estate marketing.

To want a stronger law at this point is understandable. But to deprecate the significance of the gains now at stake is senseless.

CLAREMONT DAILY EAGLE BACKS CLEVELAND BILL FOR A NATIONAL CEMETERY IN NEW ENGLAND

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, Mr. Kenneth D. Whipple, editor of the Claremont Daily Eagle recently came out in favor of H.R. 6678, my bill providing for a national cemetery in New England. His views are set forth in an editorial published July 22, which I am pleased to submit for the RECORD. The support of this outstanding newspaper is extremely welcome and I urge my colleagues to read this editorial.

[From the Claremont Daily Eagle, July 22, 1966]

NATIONAL CEMETERY AT RINDGE

Lack of a national cemetery in New Hampshire—indeed, in all of New England—is creating increasingly critical problems for families of men who have been killed in action in Vietnam.

In many cases, such families have been told there is no place left for burial in national cemeteries, and that they must go to Arlington National Cemetery in Virginia, hundreds of miles from their home.

To remedy this, Representative JAMES C. CLEVELAND, Republican, of New Hampshire, of New London has introduced legislation (H.R. 6678) which provides for a national cemetery in New England.

In proposing this action, the Granite State congressman said:

"Naturally, I have my favorite spot for it, which is in Rindge, New Hampshire, near the famous Cathedral of the Pines—a beautiful outdoor shrine, internationally recognized, completely non-denominational, and dedicated to the memory of all war dead.

"More important, however, is the question of locating a suitable national cemetery within reasonable distances of the families of deceased veterans.

"The right to be buried in a national cemetery, which we grant to all veterans, is, in fact, being denied by the lack of facilities near their homes. The great distance to the nearest national cemetery to New Hampshire, for instance, almost precludes its use by veterans of my state."

CLEVELAND, describing current jurisdiction over national cemeteries as "a bureaucratic hodgepodge," said it should be given entirely to the Veterans Administration. At present, he pointed out, it is diffused through at least four federal agencies.

Comparatively little is known by the average American about his national cemeteries,

except probably the highly publicized one at Arlington. Though this is one of the two largest, exceeding 400 acres in size, there are actually 118 installations under Army control, ranging downward to as little as a half acre in extent.

The national cemetery system, as administered by the Department of the Army, is a civil function entirely separate from traditional military functions. Its installations include three monuments, one memorial park, government-owned lots in the Congressional Cemetery, seven confederate cemeteries and plots, 21 Soldiers lots and 85 national cemeteries in 32 states, Puerto Rico and the District of Columbia.

All of the grave sites in 23 of the national cemeteries listed above are either preserved or occupied, leaving 62 of these installations in which there is uncommitted space.

There are 13 other national cemeteries, including Gettysburg, administered by the Interior Department as part of the national park system. Grave sites in more than half of these are fully committed also.

More than 3,800 acres of land make up the Army's national cemeteries, providing a grave site potential of better than 2,000,000, more than half of them developed.

Under the original law, burial was authorized only of "soldiers of the United States who fell in battle or died of disease in the field and in hospitals." This authority, over the years, has been progressively modified to include other service categories.

Several cemeteries were added in the growing West during the '70s and '80s; another was created in the 1920s to preserve the grave of Pres. Zachary Taylor; seven more were established in the '30s when the PWA was flourishing. But only five have been added since World War II.

In 1947 the Army proposed several more, including one at Fort Devens, Mass., but this proposal failed to find favor.

A recent survey (1961) pointed up the inequitable distribution of existing cemeteries and the disparity between the number of persons now eligible for burial and the availability of grave sites. Again, earlier this year, the problem was under study by the House Committee on Veterans Affairs.

It was at this time that Congressman CLEVELAND, speaking in support of his bill stressed the need for better facilities in New England.

It seems certain whatever the course of the war in Vietnam, that use of national cemeteries and demand for their facilities will continue to grow over the years. If the system expands, as it obviously must, New Hampshire and New England should not be ignored.

—K.D.W.

SOLUTION OF LOCAL AND STATE FINANCIAL PROBLEMS CALLS FOR FEDERAL REVENUE SHARING PLAN WITH STATES

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SHRIVER. Mr. Speaker, I am today introducing legislation in the House of Representatives calling for a program of Federal revenue sharing with the 50 States. This bill is aimed at strengthening the control of State and local government and at the same time providing them with more financial resources to meet their real needs.

State and local governments already are spending more than $70 billion a year, and they will be spending more than $100 billion in 1970.

The rise in State and local spending reflects the demands of a growing population for more and better public services. The problems of population growth have prompted such urgent needs as new schools, roads, sewers—more teachers, policemen, firemen, and other personnel to provide public services.

These demands have strained the fiscal resources of State and local governments. As a result, they find themselves reaching the maximum of present taxing sources. More and more they look to the growing Central Government in Washington for help. Their financial problems are complicated by the fact that the Federal Government has preempted and monopolized most sources of government revenue.

We also find local taxpayers heavily burdened with large obligations for property taxes, sales taxes, and income taxes.

However, the Federal Government continues to add grant-in-aid programs through hundreds of Federal bureaus. To illustrate the growth of Federal programs, in 1934 there were only 18 grant-in-aid programs to disburse Federal funds for specific purposes to local and State governments. Today there are more than 140 grant-in-aid programs of the Federal Government.

The growth in the amount of money involved is substantial. Federal grants in 1934 totaled $126 million. By 1964, it had risen to over $10 billion. It still is going up; and by 1984 projections indicate the total will rise to $52 billion.

The solution to the problem of the States must be one which emphasizes the independence of the States and not a system which ties them further to Washington.

I have followed closely various studies which have been made in recent years regarding possible solutions to the future financing of governmental services by local and State governments. A Presidential task force, chaired by Dr. Joseph Pechman of the Brookings Institution, has studied various revenue-sharing concepts. The National Governors' Conference has given serious study to this problem and a Republican Coordinating Committee Task Force on the Functions of the Federal, State and Local Governments, headed by Hon. Robert Taft, Jr., also has made constructive recommendations in this area. It is obvious there is growing support for some form of tax-sharing program.

Therefore, I have introduced this bill which would establish a system to share personal and corporate income taxes collected by the Federal Government with the States. Under this legislation:

First. Funds would be apportioned partially on a population basis and partially on the basis of a direct grant to those States with the lowest per capita income.

Second. The amount to be appropriated to the State share would be an actual percentage of the Federal revenues collected during that year, beginning with a 2-percent share in the first year and increasing by 2 percent biennially, to a maximum of 10 percent.

Third. The State share to be apportioned would not be contingent upon the development of a budgetary surplus, but would be a definite and continuing part of each year's budget requirement.

Fourth. Federal governmental controls of the States' share of revenues would be kept at a minimum, requiring only final accounting to the Congress and the Secretary of the Treasury on how such funds were utilized and compliance with certain national objectives such as the 1964 Civil Rights Act.

Mr. Speaker, of course I recognize that the increased spending demands of the current military conflict in Vietnam make the implementation of the tax-sharing plan at this time difficult. However, I urge that public hearings be scheduled at the earliest possible time with the hope that with the termination of the Vietnam conflict, we can give serious consideration to the establishment of a tax-sharing program with the States.

Such problems as education, heavier traffic, polluted air, crime, slums, shortage of water, and rising taxes require the cooperative action of local, State, and Federal Governments. A direct return to States of Federal revenues collected would be a proper role for the Federal Government to assume in future years.

DECLINES WHITE HOUSE INVITATION BECAUSE HE IS BEHIND BARS

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, there will be one absentee when the President conducts swearing in ceremonies for two new members of the Atomic Energy Commission this Friday at the White House. On the guest list was Dr. Thomas N. Burbridge, former San Francisco president of the NAACP, who is a research scientist at the University of California.

Mr. Burbridge turned the invitation down because he is behind bars, serving a 30-day sentence for taking part in civil rights sit-in demonstrations at San Francisco's Sheraton-Palace Hotel in 1964.

At one time during these demonstrations, the public was arrogantly blocked from getting in or getting out of the lobby. Scratch one from the guest list but chalk up one for law and order. It is about time some of these people are

held accountable to the same laws which you and I obey.

TILLING FOR THE FARM VOTE HARVEST

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. NELSEN. Mr. Speaker, Paul Hope, in a column in the Washington Star on August 1, did a good job of reporting why the administration has launched a massive public relations effort to convince farmers that the price-depressing blows dealt to them really were not. I include the Hope column at this point in my remarks:

[From the Washington (D.C.) Star, Aug. 1, 1966]

TILLING FOR THE FARM VOTE HARVEST

(By Paul Hope)

Administration officials are tilling the rural countryside these days as though the White House has just discovered there still are a lot of votes down on the farm.

Actually, President Johnson has been fully aware that 5.6 million people are still employed in agriculture and that in a congressional election year that ain't hay. What the administration has newly discovered is that rural America has grown increasingly disenchanted with President Johnson's administration.

As a result, Johnson and Secretary of Agriculture Orville Freeman in recent weeks have been trying to convince American farmers it's been a long time since they had it so good.

Things really aren't as bad with farmers as they sometimes have been. Hog prices are good, beef prices are fair, corn prices are strong, wheat is way up over a year ago, soybeans are skyrocketing.

But still—and it may be hard for city dwellers to believe—farm prices are lower than they were 14 years ago, a peak period during the Korean war. Per capita farm income is only two-thirds that of nonfarmers.

The recent upward movement of farm prices has not been so much a result of anything done by the administration as it has been a response to conditions in the world. Large scale droughts and famines in places like India, population explosions, and the increased food needs of nations in armed conflict have drained away the huge surpluses that once filled granaries in the United States. The traditional price determinant—supply and demand—is at work.

But income is not the whole picture with the farmer. He is affected by many of the same things that bother other people and affect their political thinking.

The farmer is concerned about the war in Viet Nam. A Viet Nam casualty returning in a casket to a rural town is more noticeable than it is in the city. Everyone in a rural community knows whose boy got drafted last week.

Inflation is hitting the farmer as hard as any group. Costs of machinery, labor, lumber, paint, nails, oil products—all essential to modern-day farming—are up.

President Johnson last week, in a report to Congress, noted that while farm prices have gone up 4 percent since 1960, the costs of farm production went up 8 percent.

Ever-increasing federal spending, especially for Great Society programs aimed largely at helping the urban areas doesn't sit especially well with the farmer, who generally is more conservative than others.

Voting preferences are so often the result of an impression, and the farmer is no less subject to this than anyone else.

One thing the White House is trying to cure as its spokesmen tour the farm country is a bad case of foot-in-mouth disease which as much as anything else has soured many farmers on the Johnson administration.

Farmers claim they have been made the scapegoat for the rising cost of living and they claim the administration has been deliberately trying to drive down farm prices.

Last February, Defense Secretary Robert McNamara at the urging of Secretary Freeman, ordered a 50 percent reduction in pork purchases for six months for the armed services. It was shown later, with the disclosure of a letter from Freeman to McNamara, that the move was part of a program to keep "domestic food prices in line."

In March, Gardner Ackley, chairman of the President's Council of Economic Advisers, made it clear that dumping of a half-billion bushels of stored corn on the market was a move to hold down the price of corn and pork.

In March, also, President Johnson told housewives to quit buying high-priced items at the grocery. Farmers thought there were better ways to cure inflation.

Then in April, Freeman told a press conference he was happy to report that farm prices had dropped a bit and that it would be reflected in the market basket. Prices may have fallen but farmers hit the ceiling; they thought Freeman was on their side.

Now the administration is engaged in a massive public relations exercise to convince farmers that it has been misinterpreted and that it really has the farmer's interest at heart. Freeman reminds the country folk that the President himself—with his ranch down on the Pedernales—is really one of them.

Just give the administration time and keep White House supporters in Congress, say administration spokesmen, and President Johnson will make a silk purse out of every sow's ear.

FOURTEENTH YEAR OF COMMONWEALTH OF PUERTO RICO

The SPEAKER pro tempore (Mr. KREBS). Under previous order of the House, the gentleman from Ohio [Mr. BOW] is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, it was my honor and privilege to attend the ceremonies in San Juan, P.R., on July 26, celebrating the 14th year of the Commonwealth. Fourteen years ago I attended the celebration of the adoption of the Puerto Rican Constitution and status of Commonwealth. I do not believe that the progress made in Puerto Rico in these 14 years can be matched anyplace in the world. The great advance of tourism and industry has changed the island from the poorhouse of the Caribbean to the pearl of the Caribbean. The Puerto Ricans are a proud people; proud of their Spanish heritage and proud of their American citizenship. Debate continues on the ultimate status of the island, whether it should be Commonwealth, statehood, or independence. I have always in the past and continue to feel this is a decision that should be made by the people of Puerto Rico. Once made it should be implemented. The Congress of the United States may well be proud of its actions in the past in bringing political maturity to the people of the island. However, this could not have been accomplished had it not been the will and desire of the residents of this beautiful island. I congratulate those of both political parties of the island for their foresight and dedication.

Gov. Roberto Sanchez Vilella and Mr. Justice Abe Fortas addressed the thousands who had gathered in the beautiful old Spanish city of San Juan. I include with these remarks the addresses of a distinguished Puerto Rican, a citizen of the United States, and a distinguished jurist from the highest court of our land:

TRANSLATION OF THE ADDRESS MADE BY THE GOVERNOR OF PUERTO RICO, HON. ROBERTO SANCHEZ VILELLA, ON THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO, SAN JUAN, P.R., JULY 25, 1966

Honorable Representative of the President of the United States; distinguished guests of honor; distinguished visitors; members of the three Branches of Government; friends and countrymen, on this 25th of July we gather in public celebration of an anniversary which is an event of transcendental nature and importance in the history of Puerto Rico and of Puerto Ricans. In 1952, in making effective the Constitution of our people, the Commonwealth was founded and constituted, thus completing the democratic process that led to its creation. The people of Puerto Rico then gave themselves a slap on the back in the exercise of democracy and made it possible for all Puerto Ricans to enjoy a new and effective way of government. Today, somewhere else, another historic step of fundamental importance for the future of all Puerto Ricans is being taken. This other step requires our most determined attention and responds to our customs of order and peace.

Throughout our history, imagination, the creative spirit, the dedication to work, the educational zeal and the absence of prejudices of our people have been the weapons of reason and justice used to achieve their high objectives, their profound aspirations. Civil heroism has characterized Puerto Rican life. At times when, for reasons it is unnecessary to analyze, other peoples have chosen violence to give vent to their rights to freedom and progress, Puerto Rico has drawn upon its profound virtue of temperance, it has used the sword of persuasion, to forge for itself a destiny that will rest fundamentally on self-respect, on respect for the rights of others and on the realities of its historic, geographic and economic circumstances.

Also mindful of the great obligations of this world, Puerto Rico has participated in the battlefields when our solidarity with the world's democratic cause has so demanded. Puerto Rico has always responded gallantly to the appeal of its conscience to fight despotism in the world and to repel totalitarian aggression and stop the forces that would break the most precious principles of our civilization, those which guarantee to men and people the imminent right to freedom. Puerto Rico did so in the last century. It has done and is bravely doing so in this century. Thousands of homes in Puerto Rican countryside and cities have felt the grief of temporary and permanent separation from loved ones who determinedly and fearlessly risked and offered their lives in sacrifice for the cause of democracy and freedom. Those same homes feel also the legitimate pride of contributing, without hesitation, the greatest and noblest contribution that can be offered to repel the threat

of destruction that the democratic world is facing.

War and revolution are parentheses in our life as a people. We are a peace-loving people. Throughout the years, Puerto Rico has repeatedly demonstrated the validity of the conference table for settling its vital affairs. We have not attempted to destroy the obstacles that hinder our march towards betterment with sudden acts abstracted from the adverse consequences that these acts might mean for the welfare and progress of our people, and for the order and stability of a responsible democratic life. We have chosen the invincible weapon of persuasion. We have always stated our case on a basis of reason and with foresight for the impact of events which all transitions bring about. Thus, it was at the conference table that we obtained from Spain the Autonomic Charter of 1897. Since then we have risen from the framework of a military government in 1898 to the scope of our constitutional life of today which started 14 years ago in the Commonwealth.

Fourteen years are a relatively short span in a people's history. The accelerated pace of the world we live in, and especially of the efforts of Puerto Ricans in forging for themselves a better life, deprives us of time for remembering and for meditating about the processes and proceedings that paved the way for the event we are celebrating here and for the significant event taking place today in Washington.

Let us meditate about them. Let us bring even nearer the recent events of history to make clearer the significance of what we proudly celebrate today: The Commonwealth of Puerto Rico, a product of the will of Puerto Ricans and of the sincere expression of a people who love the reality of what they created and who live it and feel it deeply. The people of Puerto Rico believe firmly in democracy and used the democratic means we all defend to channel their feelings and realize their hopes. Their democratic norms in consultations with the people, who expressed themselves in freedom of action, allowed the creation of a new form of political life. The practice of democracy has given us good fruits and will help us in the aggrandizement of the Commonwealth.

Let us see how the joint democratic life of two united peoples made and make possible this new form of political life. Public Law 600 of the Congress of tne United States provided for the organization of a constitutional government by the people of Puerto Rico, in close relationship and in the nature of a compact, between the people of the United States and the people of Puerto Rico, if we Puerto Ricans so desired it. On June 4, 1951, we Puerto Ricans expressed democratically, through the right to vote and in an overwhelming manner, our positive feelings and accepted the terms proposed by Congress.

It was established then that relations between the two united peoples—Puerto Rico and the United States—would be defined and restructured by mutual agreement. We Puerto Ricans began the noble task of drafting our own constitution. In a democratic way, and with the vote as instrument of reason, the people of Puerto Rico elected and designated a prominent group of citizens who, in representation of all political ideals and aspirations in the country would draft the Constitution to bring it before the consideration of those they represented. This group of citizens was organized into the Constitutional Convention.

The Constitutional Convention tackled its task with patriotic ardor. There was frank and detailed discussion and consideration of all aspects. Thought and dialogue were the keynote. The environment of deliberation was democratic. The Constitutional Convention in acting honored itself and its people. The delegates, through their votes, approved overwhelmingly a Constitution they considered to be the will and the feelings of Puerto Ricans.

But the people had to express themselves, and the Constitution of the Commonwealth was submitted to the consideration of those it would govern: the Puerto Ricans. And it was we Puerto Ricans, through our votes, who on March 3, 1952, expressed our unequivocal will and adopted the Constitution of the Commonwealth.

In accordance with the fundamental provisions of the compact between Puerto Rico and the United States, the President and the Congress of the United States concluded that our Constitution was in harmony with the terms of the compact and with the Constitution of the United States.

On the 25th of July 1952, through the will of its citizens and by virtue of the authority that Puerto Ricans democratically gave him, Gov. Luis Muñoz Marín proclaimed that the Constitution of the Commonwealth was in effect. Thus proclaimed, the will of the people was put in vigor, and a new political system, the product of the will of Puerto Ricans freely expressed, was accomplished.

It is fitting to pause here and examine the nature of Commonwealth. In order to understand it, so as not to confuse it, it is necessary for certain concepts to be known with clarity. Commonwealth is composed of: the people of Puerto Rico which is its life, the land of Puerto Rico that we love so much; and the government of Puerto Rico organized under our Constitution. As a juridical and political entity, the Commonwealth is as valid and dignified as any other juridical-political form of self-government. Its application, its political power proceeds from the declared will of the people of Puerto Rico organized to represent themselves politically. Thus is it proclaimed in Article I of our Constitution:

"The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America."

The right, the power to organize politically, to which this article refers, is a natural right of all peoples, an essential right for political coexistence, a right that peoples always possess, just by being peoples. From that, the validity of Commonwealth was born, born of your will of the rights that you have as a people, the same as all peoples of the world, to organize their own government.

Commonwealth has associative relations with the United States. Those relations are established in the Federal Relations Act which contains the terms under which Puerto Rico is associated with the United States, in accord with the agreement carried out through Law 600 to which Puerto Rico gave its consent. It is important, in order to understand our political status, that nobody confuses or is left confused about the range of the Federal Relations Act and the Constitution of Puerto Rico. These documents are two harmonious but distinct pillars of our political organization. The Federal Relations Act is a law of the Congress of the United States which forms part of the compact between Puerto Rico and the United States and in order to be amended needs the consent of the people of Puerto Rico and of the Congress of the United States. The second—the Constitution, is the one which created the Commonwealth and only can be amended or modified by the people of Puerto Rico, by you, by all of you in agreement with the criterion set by yourselves and in response to your needs. The Congress of the United States does not have to intervene in the modifications of the Constitution of Puerto Rico. Only the people in direct voting can change it.

Fourteen years ago today the people of Puerto Rico began enjoying the government that was structured by them. We have lived under the Commonwealth and it has permitted us to enjoy the security of the Constitution of Puerto Rico in association with the United States. This form of political democracy has given us, and gives us, the strength of thought and the means of carrying out our objectives. The postulates and basic principles, which gave birth to the peaceful revolution that created a better civilization and life for us and for our children, continue unaltered. The government's program, directed towards all sectors of Puerto Rican life, is being fulfilled and will continue to be fulfilled in an ever increasing way, as a solution to our problems and always in loyalty to constitutional principles. Progress goes on, and so does the faith of this people in the system of government they, themselves, created. The democratic process continues in growing development, and faith in the future goes on. The clear vision of the future is rooted in the experience of our immediate pasts.

How has the life of our people been under Commonwealth?

The economic and social advances are there for us all to see. Democratic practice and faith in justice penetrate each day more deeply in our spirit. The Puerto Rican is acquiring more confidence in himself and each day sets for himself goals more difficult to reach.

The creative imagination and the dynamic constructive forces of our people have been stimulated. Dedication to the search for the welfare of our countrymen and our brothers has made reality out of what a few years ago appeared to be unattainable levels of living. We have spared no effort to solve the problems that beset the country. Our life as a people has become more active. Puerto Rican life has been improved and has become more firm. Respect for the freedom of human beings and for the fundamental rights of our fellow men inspired the social revolution of which we are proud and the new juridico-political form which we celebrate with pride today. We all know these facts, which every day encourages us to strive for new horizons of economic and spiritual well-being to be enjoyed equally by all. Under the Commonwealth, Puerto Rico has had a fruitful and creative life.

However, the results of the increase and growth of our economy and the development of our potential for achieving the general welfare of the people leaves us open to the great risks that beset a growing society. I think it proper to point out here one of the most serious risks. When we have the technical and economic capacity to create and organize a socially useful enterprise, we should not transfer it to outside hands for any interest of personal gain which in any way, in the long run, may represent a step backward for the people of Puerto Rico in their freedom of action or in their power to make their own decisions. We stimulate and welcome without prejudice all outside cooperation for the development of our country, but it would be inconceivable for us to replace what is successfully ours with what comes from outside. Let us add to the good that we have. Let us not replace it. Replacement is justified only when that which is replaced cannot be improved.

Just as one should never turn back in the rising march for public right and freedoms, neither should we turn back in what has been achieved in other aspects of human endeavor. We will not lay the groundwork for the possibility that Puerto Rico may, even in ways different from those of the past, have to face attempts by particular interests to subordinate the people's political power to economic power. We will not permit such situations. Our commitment with you authorizes us to fight in order to avoid them.

Although we all live the Commonwealth day after day and harvest the fruits that benefit all, there are people who have doubts about the nature of this political form and about the nature of the relationship between Puerto Rico and the United States. As in every democratic community, there are differences of opinion in Puerto Rico about methods and procedures. These differences all flow towards the unity of the common purpose of strengthening a worthy and productive life, in spiritual areas as well as in those of immediate physical and material needs. Puerto Rico has settled its affairs at the conference table. There will be no motive in these times to choose another way.

In order to study and analyze in detailed fashion all the elements and factors that have to do with or may pertain to the present and future relations between the United States and Puerto Rico, the representatives democratically elected by both peoples, through mutual agreement, established and created the Commission of the United States and Puerto Rico on the Status of Puerto Rico better known as the Status Commission.

This commission has already completed the more extensive part of its task. It is of great significance that the members of this commission are gathered today for their last deliberations about the task entrusted to them jointly by the brotherly and associated peoples of Puerto Rico and United States in connection with the feasible ways of development of our country in the juridical, political, economic and social order, upon a solid democratic platform.

There is great expectation in the country as to the determinations that the commission members will make. The results of their deliberations will have great impact on our lives and on the life of future generations, individually and collectively. I have no doubts as to the importance that this document will have in clearing up the horizon in the path of our country in its ascending march towards the high plateaus of its destiny. Therefore, in this solemn occasion I point out to you that people who are firmly established on reason and justice must listen to every argument with serenity and judge every argument with discernment in the processes of consultation.

The constitutional life of a people needs the understanding of all and we must all defend it. I ask the people of Puerto Rico to inform themselves and to stay informed about the conclusion and determinations of the commission and about the reasons and bases for those conclusions and determinations. No other political action has greater significance in the economic and social life of the country than its struggle with its constitutional system. Every one has the obligation to participate in the constructive and sometimes critical dialogue that we must carry on about this matter. Reasonable, worthy and sincere debate must be established. There must be respect for contrary opinions. We all have the obligation of expressing our own with serenity and with facts. There must be serenity in expectations and serenity in actions. Only in this way can reason, justice and good discernment in making a judgment, guide the destiny of the country.

My faiths, my convictions, rest in the nature of the people of the United States, who hold a position of leadership in the world because of the greatness of its institutions, because of its profound and sincere motivation of justice, which is its reason of being; and in the greatness of the people of Puerto Rico who, with unsurpassable civil heroism, know how to struggle for their rights.

It is exalted in our Constitution that the will of the people is the source of public power. Collective decisions through the free participation of the citizens are mandatory. The people have already learned to make their wishes known democratically. The people of Puerto Rico, if necessary, will once again know how to tell us their will. Their mandate will be the force that will forge the paths of their progress.

I know that people who have grown in stature at their historical crossroads in the past will grow in serenity of understanding in the historic moment they now live. Puerto Rico forges its destiny with reason, with truths and with realities. So it did in the past, so it does today and so will it do tomorrow. We trust the people and we will answer that trust with new achievements for the Commonwealth, which are the achievements of the people of Puerto Rico. Achievements that will be obtained within our association with the United States in the enjoyment of our common citizenship. I told you before that every Puerto Rican will judge. The judging is up to every Puerto Rican. Your will shall again be done, the will of you, good Puerto Rican people. Thank you.

REMARKS OF THE HONORABLE ABE FORTAS, ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT, REPRESENTING THE PRESIDENT OF THE UNITED STATES ON THE OCCASION OF THE CELEBRATION OF THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO, SAN JUAN, P.R., JULY 25, 1966

My dear friends, this is for me an occasion of much sentiment.

I have come home—to Puerto Rico—my second home. It is as near and dear to me as my own birthplace.

I come to you today—on this great occasion—as the representative of the President of the United States. He has asked me to convey to you his greetings, as an old friend of Puerto Rico, and to read his message to you:

"To the people of the Commonwealth of Puerto Rico:

"I am pleased to send my most cordial greetings to my fellow citizens of Puerto Rico, on the fourteenth anniversary of Constitution Day and of the founding of the Commonwealth.

"We were innovators fourteen years ago—making use of the great potential for creative and democratic experiment inherent in our constitutional system—when we created the new form of political freedom represented by the Commonwealth of Puerto Rico.

"It is grounded on the fundamental principle of self-government, under a Constitution drafted, and adopted, by the people of Puerto Rico. It prospers within a structure of permanent association with the United States, based upon our common citizenship and our mutual commitment to freedom and fundamental human rights.

"Our relationship is not static. It can grow and change. Even now a study is under way, jointly undertaken by able representatives of both our communities, to review the experience of the past fourteen years. The results of the study will soon be available, and I am certain they will give us confidence to develop our relationship further, in ways that will accord with the wishes of the people of Puerto Rico.

"Your achievements have been truly remarkable. They have furnished an example for the world of what can be achieved by the close collaboration between a larger and a smaller community in an atmosphere of freedom and mutual agreement.

"I am confident that I speak for the people of all the United States, as well as their government, when I express my pride and my pleasure at the achievements of the people of Puerto Rico.

"LYNDON B. JOHNSON.

"JULY 22, 1966."

These are the words of President Johnson who has participated as Senator, Vice President, and now President in the remarkable adventure that is Puerto Rico's recent history.

You have provided an example to the world. You have proved that people can act greatly—with vision and courage.

I do not accept the statement, which is frequently heard, that Puerto Rico's accomplishments have been due solely to its relation to the United States—that they are unique—that the Puerto Rican invention and accomplishments have no meaning outside of Puerto Rico. It is true that there are special advantages of the greatest importance in Puerto Rico's relation to the United States.

These have indeed been of fundamental assistance to Puerto Rico. But they are not the reason why Puerto Rico achieved her present eminence. These benefits do not explain how after years of depression and despair—Puerto Rico started its dramatic forward movement. The answer can be found in some critical choices that Puerto Rico made—some basic decisions—which led to greatness—to growth and not to sterility; to real freedom and not to an illusion of it; to accomplishments and not just propaganda.

Let me list some of the choices which were made—the basic decisions which, I think determined the course of Puerto Rico's history:

First: In the early 40's, Puerto Rico decided to change the emphasis of its national effort—to change priorities—to emphasize specific and economic objectives: bread, land and liberty: as the first order of priority. It placed these ahead of the debate about political status—This did not reflect diminished idealism. It did not reflect a willingness to continue the colonial system then in effect. Rather, it recognized that to achieve political freedom, people must obtain freedom from economic serfdom; that liberty with starvation—liberty without opportunity or hope for adequate food, medical care, housing or educational facilities is not liberty in reality. So I think that your decision to place first emphasis upon realities and not upon labels was a crucial choice. I do not want to be misunderstood. I do not ignore the importance of slogans or labels. In mankind's history, they have served to inspire and to unite. But they can also mislead—and misdirect a people, and divert their attention from the order of priorities which is in their best interest.

Second: The next crucial choice, I think, was economic realism. Again, the people of Puerto Rico rejected the lure of labels. You dealt with the reality of the problems; and you dealt with them by use of the most direct, most available and most effective means at hand. You did not insist upon methods which conformed with a preconceived theory such as state ownership, or socialism—or even pure, unadulterated private enterprise!

The economic problem was there. The job had to be done. And with the resourcefulness of free men, you did it in the most direct and effective way—in terms of the problem and the result sought, and not of a political abstraction.

Third: Finally, the fundamental choice—the choice which influenced every action and event—was the rejection of economic, cultural and political insularity or nationalism.—This was, I think, the basic decision. Puerto Rico decided that it would turn outward—to the world—not inward upon itself; that it would be hospitable to the rest of the world—that it would eagerly reach out to its neighbors,—and it decided that its neighbors,—in this small world, include *all* of the nations of the earth. Puerto Rico decided that it would not be an island—that it would welcome people and ideas from all the world.

—Puerto Rico decided that a man is a man—to be judged on merit—wherever he comes from—wherever he lives—

—Puerto Rico decided that an idea is an idea; and that an idea is entitled to consideration on its own merit—even if it is not made in Puerto Rico—or Spain—or Costa Rica—or the United States—even if it's made in England or Germany or Yugoslavia or India.

This decision to reject insularity and isolation was the basis of the idea of permanent political association with the United States—not as a colony—not as a territory—not as an assimilated federal state like Florida or New York—but as a member of a family, related together by shared ideals, by mutual affection and history and a commitment to reciprocal aid—but always maintaining for each member its freedom, liberty, and individuality.

This rejection of insularity—of a nationalistic position—was a brave decision—a bold course. It was, to say the least, unfashionable. It is still unfashionable for a small nation like Puerto Rico to reject nationalism. It is a rare act of courage—of greatness—for a people to assert that they are eager to offer and accept trade, commerce, ideas and people from all the world—it is rare for a small country to have the calm confidence to invite this free interchange—to have the strength of spirit to rely upon themselves to be neither humiliated—nor subordinated—nor dictated to—nor assimilated by other nations and other people with whom they are associated.

This was indeed an act of courage—an act of greatness. To date the validity of this decision has been sustained. I am confident that Puerto Rico will continue in this course—to be truly universal or international in its outlook—to welcome interchange with all—to associate proudly, for example, with the United States—and that it will do so without the fear or the fact of a loss of its own personality, culture or identity.

Perhaps, indeed, Puerto Rico has a mission appointed by destiny; perhaps it is destined to be a showplace—not merely of economic development or internal democracy, but a demonstration area that people may form associations with other nations on terms of dignity and mutual benefit—that complete nationalism is not the only respectable way of life; that the individuality of a proud people can be preserved without the separation and antagonism implicit in nationalism—and without the loss of precious cultural and personality values that would come with assimilation.

Perhaps Puerto Rico has a mission appointed by destiny—a mission to serve as a beacon, small but intense, to lead the world away from the excesses of nationalism—to show the world that pride in one's self, cultural integrity, loyalty to homeland are not incompatible with an open-door to the world—with free and generous association with other nations; that national integrity does not demand nationalistic rejection of others; that the world is too small—and people are too much alike—to justify us in building Berlin walls between us; and on the other hand, that the world is too diverse and people are too different to insist that all of them be put in a melting pot.

For who will defend extreme nationalism except that it is preferable to the degradation and subjection of colonialism? Who will defend either the desirability or the viability of a world made up of intensely separate nations, joined only by the slender thread of the United Nations and otherwise rejecting basic commitments to political and economic associations? Who will defend the theory of the creation of tiny nations, artificially cut off from fundamental association with those with whom its destiny must lie—who will defend this except as the necessity of a moment in history; as an antidote to the poison of colonialism? And who will really defend the total refusal by so many nations even to consider the possibilities of close, meaningful, fundamental association with others.

For the future of the world lies not in extreme nationalism, but in greater associations;—not in reducing the ties among us, but in increasing their importance and number.

Puerto Rico provided an early example of this. You had the wisdom and the courage to recognize illusion—and to reject it. You had the confidence in yourselves to risk your individuality and integrity in order to gain them.

For it takes courage to join with others. If a people cherish their own individuality and cultural personality, it takes courage to commit their military defense to others; to accept a common currency; to permit the two-way economic infiltration that is incidental to free trade; to insist upon hospitality to the best in ideas, skills or people—whether they are made in Puerto Rico or elsewhere. This takes courage—the courage that comes from dedication to the welfare of your own people; from belief in the strength of your own culture and institutions and in your ability to nurture them in an atmosphere of national pride. It takes courage—the courage that comes from a sense of obligation to humanity and the world—and from the realization that a world of small stiff-necked, isolated principalities cannot live in peace and plenty—but must inevitably be defaced by disorder and misery.

I began by saying to you that Puerto Rico's power to choose universality instead of extreme nationalism, association instead of separation, was not due solely to factors unique to Puerto Rico. I repeat that statement. The Puerto Rican experience cannot, of course, be precisely duplicated—because every situation is different. There are many avenues to the same objective of boldly reaching beyond national lines. The most promising, of course, are represented by the central american common market—which is making remarkable progress—and the european economic community. Essentially, these hold promise of reflecting in multilateral form the same basic principles that are present in the Puerto Rican idea.

But I think that Puerto Rico has a duty beyond its own boundaries and its own residents. I think it has a mission. Its duty extends beyond the technical assistance which it has generously offered to the less fortunate nations: It extends beyond providing an example of successful economic engineering. Puerto Rico, I think, has a duty to offer to the world its great political and ideological premise: that national integrity and national self-respect do not require political nationalism; that the constructive and effective road to cultural, ideological, political and economic integrity may indeed be through political and economic affiliation with other nations on a generous, fearless basis.

You are entitled to be proud of this. You should be. This idea—the Puerto Rican idea—your example—is a beacon of light in a world in which darkness and light are in mortal combat, with the outcome in doubt. I hope and pray that the last vestiges of an apologetic attitude for your great achievement will disappear. I hope that all of you, regardless of what you may seek ultimately, will be proud and outspokenly proud—of the Commonwealth of Puerto Rico. And I hope that you will seize every opportunity to help others—and to participate with them—who may seek, in whatever form, to break through the Berlin wall of divisive nationalism and enter the world of associations and relationships and interchanges with others.

I cannot conclude this without a personal note. I am at home in Puerto Rico. You have given me a rare opportunity to see nobility and greatness at work. You have given me the greatest boon that a man could receive: the opportunity to work with men like Luis Muñoz Marín and Roberto Sánchez, and many others. You have given me the priceless blessing of coming to know and to love a great people—a people of warmth and kindness, intelligence and compassion: the people of Puerto Rico.

You have given me the opportunity to share your dream and to see, with pride and humility, its achievement.

From the bottom of my heart, I thank you for these years.

TWENTIETH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, my colleagues on the Joint Committee on Atomic Energy and I were privileged to gather at the White House yesterday to attend the swearing in ceremony of two new Commissioners to the AEC—Dr. Samuel M. Nabrit and Mr. Wilfrid E. Johnson—and to hear President Johnson commemorate the 20th anniversary of the signing into law of one of the most important and unique statutory measures ever enacted by the Congress. I refer to the Atomic Energy Act, the Nation's—in fact, the world's—first atomic energy legislation, which was signed into law by President Truman on August 1, 1946.

The Atomic Energy Act was at the time of its enactment, and in many respects remains today, without parallel in the legislative history of this country. It is safe to say, I think, that the Atomic Energy Act of 1946 was a radical piece of legislation—in not a few ways alien to all that most of us believe in. Secrecy was the byword. The role of private enterprise in the program was almost nonexistent. Neither nuclear reactors nor the fuels that went into them could be privately owned. In a word, the program, with few exceptions, was one huge Government monopoly.

Nevertheless, the McMahon Act—as the 1946 act came to be popularly known—served this country well through a trying period. It embodied the wisdom and the best foresight of the Congress and the American people in the period immediately following the close of World War II when atomic energy had emerged as a revolutionary new force. Given the circumstances confronting the Congress at the time, I think there are few who upon reflection will quarrel with me when I say that Congress chose well when it enacted the Atomic Energy Act of 1946 and created a civilian agency to develop the atom rather than maintaining it under military control.

It was always recognized, however, that the 1946 act was temporary in nature. Accordingly in 1953, at a time when the United States had a large stockpile but no longer a monopoly in nuclear weapons, the Congress was able to consider devoting a portion of our nuclear capacity to civilian purposes, and to eliminate some of the secrecy in which

our atomic energy program was enshrouded. As a result, the joint committee recommended and after long debate Congress enacted the Atomic Energy Act of 1954. Enactment of the 1954 act marked the culmination of efforts by the joint committee and the Congress, in accord with the policy declaration of the 1946 act, to update the basic statute so as to reflect the rapid advancement and broadened horizons of nuclear science.

The new act marked a turning point—a shift in emphasis from solely military applications to an increasing emphasis on peaceful uses. This shift has continued to this day. As I think my later remarks will show, we are well along the path toward fulfilling the confidence expressed by President Truman in his October 3, 1945, message to Congress requesting the enactment of atomic energy legislation. President Truman said:

> Never in history has society been confronted with a power so full of potential danger and at the same time so full of promise for the future of mankind and the peace of the world. I think I express the faith of the American people when I say we can use the knowledge we have won, not for devastation of the world, but for the future welfare of humanity.

It is altogether fitting and appropriate, therefore, that President Johnson should commemorate the enactment of the Atomic Energy Act, as he did yesterday. Without objection, Mr. Speaker, I request that President Johnson's remarks be included in the RECORD at the conclusion of my remarks.

My principal purpose for rising today is to commemorate a different, albeit related, anniversary. Specifically, I want to call attention to the fact that today's date—August 2, 1966—marks the 20th anniversary of the formal establishment of the Joint Committee on Atomic Energy. Twenty years ago today the newly appointed members of the committee—nine from the House, nine from the Senate—gathered for their first meeting—the first of over 1,500 meetings to be held over the following 20 years.

As I have indicated, the Atomic Energy Act of 1946 was unique in many respects. Not the least unique among its features was its creation of a joint committee of Congress to oversee the atomic energy program. The Joint Committee on Atomic Energy—one of the few committees of Congress established by statute rather than by rule of each House and the only joint committee empowered to receive and recommend proposed legislation, including authorization of appropriations—grew out of Congress' cognizance of and concern over the vast powers which were bestowed upon the executive branch of Government by the 1946 act.

In this field of overriding importance to the national defense and of unlimited promise for the peacetime welfare of the Nation and the world, new legislative techniques were necessary. As President Truman remarked in 1945:

> The release of atomic energy constitutes a new force too revolutionary to consider within the framework of old ideas.

The Congress had to meet the challenge of atomic energy in a manner which would preserve and strengthen the structure of a Government which rests upon the foundation of separate and equal powers and at the same time assure that the legislative branch was equally as informed as the executive branch.

The instrument which Congress chose to span the separation between the executive and legislative branches and to meet the special legislative needs imposed by the defense importance, the complexity, and the portent of atomic energy was the Joint Committee on Atomic Energy. The magnitude—both in terms of the management problem and the immense expenditure of public funds—of the atomic energy program, its technical complexity, and its security importance gave almost a new dimension to the normal responsibilities of a legislative committee. In recognition of these special responsibilities the Congress conferred upon the joint committee unusual powers—sufficiently unusual to make the committee unique in Federal legislative annals.

The Joint Committee was established as the agent of the Congress and the American people, and is charged with the responsibility of making "continuing studies of the activities of the Atomic Energy Commission and of the problems relating to the development, use, and control of atomic energy." The Commission by law is required to keep the committee "fully and currently informed," as is the Department of Defense with respect to all matters within its cognizance relating to the development, utilization, or application of atomic energy. The committee has full hearing powers, including subpena authority. The committee members from each House report out bills or other legislative matter to their respective Houses. To promote bipartisan support, not more than five of the nine-member delegation from each House may belong to the same political party.

The obligation of the Atomic Energy Commission and the Defense Department to keep the Joint Committee fully and currently informed helps to assure a continuing flow of information necessary to the proper discharge of the committee's responsibilities to the Congress. Visits by the committee and its staff to AEC laboratories and other operating sites serve to further alert the committee to the problems and promises of the atomic energy program. Continuity in committee membership and the selection of a highly competent staff without regard to political affiliation have also enhanced the committee's ability to cope with its responsibilities. Finally, the vantage point of the Joint Committee, separate as it is from the executive position of the Commision, has provided a degree of perspective such as to enable the committee to make substantive recommendations which have been accepted by the executive branch.

The extent of the committee's active involvement in the atomic energy program has been lauded by some, resented and criticized by others. The Washington Evening Star recently said:

> The joint committee takes its duties seriously and cherishes its supervisory prerogatives fiercely.

I for one was flattered by the statement and readily confess to the charge.

It has also been suggested by some that the committee on occasion has encroached on the doctrine and practice of separation of powers; that what the committee regards as its proper role in policymaking functions is in fact an assault on executive powers. I could dismiss this charge by simply noting that the Constitution contemplates coequal branches of government, not domination by one—the executive—over the other. But I cannot resist pointing out also the irony of the charge, coming as it does from some of the same critics who chastise Congress as a whole for not resisting the trend toward executive erosion of legislative power.

In view of the occasion, I do not think it inappropriate or immodest to reflect upon the history of the committee and some of the accomplishments which the Joint Committee has helped to achieve during the last two decades. The list is one I am honored to recount.

I think you will find it an impressive one.

The paramount and primary objective of the national atomic energy effort, by statute and unflagging determination of both the Joint Committee and the Atomic Energy Commission, has been in support of national defense. This objective has been served without stint.

Our nuclear arsenal—if one could call it that—at the end of World War II was nonexistent. I mean that quite literally. The atomic bombs that fell on Hiroshima and Nagasaki on August 6 and 10, 1945, completely exhausted our supply at that time and our production capabilities were exceedingly limited.

As late as December 1946, shortly before the Atomic Energy Commission assumed jurisdiction over the atomic energy program from the Manhattan engineering district, the weapons program was at a virtual standstill. A Commission representative who made an inventory of the weapons stockpile in that month later told the Joint Committee:

> I spent 2 days, as a representative of the Commission, going over what we had. I was very deeply shocked to find what few weapons we had at that time.

By the spring of 1949, however—little more than 2 years after the AEC had gone into operation—the Nation's leaders were able to take comfort in the knowledge that the country had what accurately could be described as a nuclear weapons stockpile. Later, as a result of the AEC's major rehabilitation and expansion programs, the country was provided a nuclear weapons capability in quality and quantity that to this day remains unmatched by any other nation.

The story of the development of our nuclear shield would be incomplete without some reference to the H-bomb. The possibility of developing a hydrogen bomb was explored by U.S. scientists as early as 1942. Studies concerning the feasibility of a hydrogen weapon were conducted as part of the wartime atomic project, although they were subordinate to work on the A-bomb since it was believed that the atomic bomb could be

developed more quickly and could, therefore, be used to hasten the end of the war. At first, after the end of World War II, no substantial effort was directed toward the development of an H-bomb although a small research program on thermonuclear energy was continued.

This situation prevailed until September 23, 1949, when President Truman announced that the Soviets had exploded an atomic bomb. The Government promptly reviewed our atomic program in light of the generally unexpected rapid progress of the Soviets. As a result, for the first time, major attention was directed to the question of developing a thermonuclear weapon.

The Joint Committee on Atomic Energy took a leading part in urging the President to support a vigorous program on the development of hydrogen weapons. Between September 1949 and January 1950, the committee held several hearings in executive session on this question. Over the signature of its Chairman, the late Senator Brian McMahon, five separate letters were forwarded to the President on behalf of the committee urging a major development effort. Senator McMahon set up a special subcommittee to review the H-bomb matter of which I had the honor of being appointed chairman.

Together with other subcommittee members, Mel Price, HENRY M. JACKSON and the late Carl Hinshaw, I visited Los Alamos in October 1949 and obtained firsthand information from our weapon scientists. We then went on to Berkeley, Calif., where joined by Joint Committee Member Senator William Knowland, we discussed with a great scientist—the late Ernest O. Lawrence—the fastest possible means of achieving a successful H-bomb program.

Based on what we had learned, the subcommittee recommended to Chairman McMahon that we move ahead at all possible speed with the H-bomb program. Chairman McMahon thereafter wrote several letters to President Truman, visited a number of atomic installations and together with a number of us from the Joint Committee personally called upon President Truman at the White House to urge a major crash program on the H-bomb.

After vigorous debate at the highest levels of government, the situation that confronted the President was this: First, a majority of the Atomic Energy Commission advised against proceeding with a large-scale and vigorous effort on development of the hydrogen bomb; second, the AEC's General Advisory Committee also advised against proceeding; third, the Joint Committee on Atomic Energy favored proceeding; and fourth, a special subcommittee of the National Security Council favored proceeding, the Secretary of State and the Secretary of Defense recording favorable votes.

On January 31, 1950, President Truman made his decision and issued an order to the Atomic Energy Commission to proceed with the development of the hydrogen bomb. As the project progressed the Joint Committee renewed its urgings that every effort be made to attain the objective in the shortest space of time. The program was pushed with great vigor and achieved success. The value of the effort was proved less than a year after the United States succeeded, when the Soviets detonated their own hydrogen device.

The power of the hydrogen bomb is not a mere magnitude larger than the atom bomb used in World War II. It is three magnitudes larger, or 1,000 times as powerful as the A-bomb. Imagine, if you can, a train of boxcars stretching from Boston to Los Angeles, each car filled with TNT. That, ladies and gentlemen, will give you some conception of the explosive content of a 20-megaton weapon.

In building these weapons we have not striven to produce the biggest bombs possible. On the contrary, we have reduced the yields of our hydrogen weapons as we have improved the means and accuracy of our delivery systems. Concurrently, we have improved the safety and security of our weapons.

Last January 17 a tragic airplane crash occurred over the Mediterranean Sea. Several of our Air Force men were killed and four hydrogen bombs fell out of the sky over Spain and its seacoast. Not one of those bombs produced a nuclear explosion. While we were fortunate that no one was harmed by the falling debris from the airplanes, it was not merely a matter of good luck that the bombs failed to produce a nuclear catastrophe. The safety devices which the Commission and the Department of Defense have built into these weapons to prevent unintentional explosions precluded any such accidental holocaust.

Equally important are the devices which safeguard against the possibility of unauthorized use of nuclear weapons, the need for which was brought to the President's attention by the Joint Committee.

In carrying out its responsibility to review activities in the vitally important field of atomic weaponry, the Joint Committee in the late 1950's became apprehensive about the arrangements for the custody and control of U.S. nuclear weapons assigned to NATO. Based on the knowledge of the practices and procedures then in effect concerning these weapons, grave consequences were foreseen by the Joint Committee in case of the unauthorized use or accidental detonation of these nuclear weapons.

Aware of the dangers inherent in this situation, in 1960 Senator CLINTON P. ANDERSON as chairman of the Joint Committee appointed a special ad hoc subcommittee to investigate the matter. I was privileged to be named chairman of the subcommittee. Fellow subcommittee members and I immediately visited 8 European countries and more than 15 nuclear weapons installations. Early in 1961, as a result of our inspection, we presented a top-secret report to President Kennedy containing recommendations designed to strengthen and improve our NATO nuclear weapons arrangements.

One of the key recommendations of this report called for the development of a system of electronic locks to be placed on nuclear weapons as a safeguard against unauthorized firing. This recommendation was accepted by the President and a research and development program was begun which ultimately resulted in the development of the permissive action link system to accomplish this safeguard objective.

Numerous other recommendations were set forth in our report—many of them to this day must remain classified.

I can say, however, that at the time we were concerned with what appeared to be too great a reliance on nuclear weapons in NATO and an inadequate understanding amongst our allies and within our own forces of nuclear weapon effects. We recommended against any significant increase of nuclear weapons in Europe and that greater effort be made to increase NATO's conventional weapon capabilities. Additional recommendations, which subsequently were implemented, included coordination between NATO and SAC nuclear weapon war plans and the removal of Jupiter IRBM missiles from Italy and Turkey. A potential safety problem in an operational system was uncovered by a Joint Committee consultant and was corrected.

In speaking of the military aspects of atomic energy I have saved until last one of the brightest chapters—the development of the nuclear Navy, particularly the nuclear submarine. There is little question in my mind that the support which the Joint Committee and Congress gave to the development of the nuclear submarine will long be remembered as one of Congress' greatest contributions to the preservation of the Republic. On more than one occasion, Admiral Rickover, the man who provided the day-to-day technical drive and organized leadership for the work, has referred to the essential part that the Joint Committee on Atomic Energy and the Congress played in this development.

At the time Admiral Rickover took the helm of this development project the Navy thought so little of it that they gave him no support to carry it out. The Congress recognized this impasse early in the program and stepped in to fill the vacuum. Specifically, the Congress authorized facilities for the development work and provided funds for the operation of these necessary facilities. Later, when the Navy refused to seek the funds necessary to build a nuclear submarine, Congress stepped in again and voted funds for the nuclear powerplants for the first two nuclear submarines, the *Nautilus* and the *Seawolf*. Because of the Navy's reluctance the money was appropriated to the Atomic Energy Commission where it was used to build the powerplants that were then turned over to the Navy Department. Through this circuitous route were built the first of the nuclear submarines in a planned fleet of 100 nuclear submarines which today constitute one of the mainstays of our national defense.

But for the intervention of Congress it is likely that Admiral Rickover's career in the Navy would have ended in 1953. At that time he was about to be passed over for promotion, an action which would have brought his Navy career to an end. Fortunately, many in the Congress, particularly the Joint Committee

on Atomic Energy, came to his assistance. As a consequence, a reluctant U.S. Navy promoted him to the rank of rear admiral in late 1953. Today the 66-year-old vice admiral is still on the job, rightfully acknowledged as the father of the nuclear submarine.

In subsequent years, the joint committee has continued to recommend, and Congress has continued to authorize, facilities for the advancement of nuclear submarine and surface warship propulsion technology which were turned down within the executive branch in the budgetary review process. Congress has also added nuclear propelled surface warships to the authorization requests of the Department of Defense. After many years of trying to convince Department of Defense leaders of the value of nuclear propulsion in warships, it appears that this year we are realizing for the first time the results of our efforts. This year's authorization bill, due to some modifications by the Congress in the request of the Department of Defense, contains nuclear propulsion for all firstline warships. The vigorous support from the House Armed Services Committee and the House Appropriations Committee deserves credit for this last accomplishment.

Until not too long ago the much publicized military atom captured the lion's share of the headlines. Of late, however, the peaceful atom has more than come into its own. In no area is this more true than in the use of atomic energy to produce electrical power.

The development of nuclear reactors for the conversion of atomic energy into useful, economical power has been the goal toward which the United States has worked since the day in 1942 when the first nuclear chain reaction in the uranium graphite pile was achieved under the west stands of Stagg Field at the University of Chicago. If the recent dramatic upsurge in orders for nuclear powerplants is any indication, that goal is now within our grasp.

In the last 18 months more than 11 million nuclear-generated kilowatts have been announced by the utility industry as scheduled to enter into commercial operation by 1970. In the last 6 months alone, approximately one-half—or more than 13½ million kilowatts—of the total generating capacity ordered by the utility industry will be nuclear fueled. These plants are expected to be in operation by 1973. The rate at which atomic reactors are being purchased has caused the Atomic Energy Commission to double the estimates of growth it made just 4 years ago, when in its 1962 report to the president the AEC foresaw a nuclear generating capacity of 40 million kilowatts by 1980. The Commission currently believes that installed capacity by 1980 will be somewhere between 80 and 110 million kilowatts.

For those in industry and government who have labored long and hard in the vineyard to bring to the American people the fruits of power from the atom, these statistics are certainly encouraging. We now have available to us a vast new energy source in addition to fossil fuels to meet the Nation's ever-increasing power requirements. The magnitude of this feat takes on even greater meaning when it is recalled that this country had no installed commercial nuclear electrical generating capacity until 1957, when the Shippingport nuclear reactor first went into operation. But for Congress, moreover, Shippingport might never have gotten off the drawing boards.

In the fall of 1952, the AEC proposed to the Bureau of the Budget that it include some construction money in the fiscal 1954 budget to enable the Commission to begin building a full-scale power reactor. The Bureau of the Budget refused the request on economy grounds. The Commission then proposed to the National Security Council that money be included in the revised fiscal 1954 budget for beginning construction of a pilot plant to produce 7500 kilowatts of electric power. The National Security Council also turned this proposal down, again on grounds of economy.

When the President's budget message was submitted to the Congress, the Joint Committee was concerned to learn that the proposed budget for atomic energy contained no provision for the development of a full-scale atomic powerplant. Private industry had made it abundantly clear to the committee that it was prepared to invest in the development of an atomic power station if the Government would underwrite part of the cost and if the necessary amendments to the Atomic Energy Act of 1964 could be obtained. The Joint Committee deemed it essential, therefore, that the Commission be granted the funds with which to proceed with the development, design, and construction of such a powerplant.

Accordingly, W. Sterling Cole, the then chairman of the committee, conferred with the members of the House Appropriations Subcommittee charged with responsibility in this area, and discussed the implications for the future of atomic power if the Government failed to press forward with the development of a full-scale atomic powerplant. The Appropriations Subcommittee responded by sponsoring language in the Appropriation Act, language which was approved by the full committee, authorizing the Commission to spend $7 million during fiscal 1954 to begin construction of the Shippingport nuclear facility in cooperation with private industry.

The 60,000-kilowatt project, built in cooperation with the Duquesne Power & Light Co. and the Westinghouse Electric Co., was a complete success. In every way, it justified the confidence which the Congress had reposed in it and the people who built it. This, the first practical demonstration of the technical feasibility of using nuclear energy for full-scale production of power, was truly the catalyst for today's atomic power boom.

While the use of atomic energy for the production of power is perhaps the most glamorous use of the peaceful atom, it is, of course, only one of the varied adaptations of the atom. Radioisotopes, for example, have for some time found widespread application in industry, in medicine, and in agriculture. In recent years the volume of radioisotopes transported throughout the United States has been averaging about 250,000 shipments per year. At the end of 1965, there were in existence in the United States over 14,000 licenses issued to individuals and corporations authorizing the possession and use of radioactive materials.

One application of radioisotopes which has been of special interest to the Joint Committee has been the preservation of food by radiation. The Atomic Energy Commission is carrying out a program on the preservation of food by subjecting it to low-dose or pasteurizing levels of radiation. This permits extension of shelf life for marine products and certain fruits and vegetables. The Department of the Army has focused its attention on the radiation sterilization of food products, especially meats which can then be stored for long periods without refrigeration.

Work on this promising concept was proceeding at a steady pace during the late 1950's. However, during Joint Committee hearings held in January of 1960 it became apparent that the Department of the Army for all intent and purposes was about to discontinue its food irradiation program. The reason given was that certain unfavorable experimental data had developed during animal feeding studies.

The Joint Committee then scheduled additional hearings and heard detailed testimony from scientists and medical specialists actually carrying out the research program. It turned out that the data cited were not attributable to irradiation effects on the food products under study. Later, additional tests were carried out which conclusively confirmed this conclusion. Through the interest of the Joint Committee and the urging by its members the food irradiation program, which was to be phased out, was instead continued and expanded, and a better coordinated AEC-Army program research effort was undertaken.

The Food and Drug Administration has now approved for public consumption irradiated bacon, wheat, and wheat products and potatoes. Additional food products are before the Food and Drug Administration and others are being proof tested.

The food irradiation research program is a small one. Nonetheless, the potential that this process holds not only for food processing in this country but throughout the world is great. When fully developed, the process should result in significant savings in marketing costs and more efficient utilization of the available food supply.

In addition to the attributes that radioisotopes possess for use in research and in industry, one can take advantage of the fact that when a radioisotope decays, it generates heat. The Atomic Energy Commission has developed shielded units containing high concentrations of radioisotopes which generate heat. This energy is converted to electric power for use in space and other applications. Such units are in use today in satellites now orbiting the earth, navigational buoys, and in remote weather station

units. The space power application for radioisotopes is an important one since rather compact, light-weight units can be made which will generate electric power for considerable periods of time, equivalent to that which would be produced by many tons of batteries or through the use of many thousands of solar cells displayed in huge panels attached to a space satellite.

One such device was lofted into space in 1961—the world's first nuclear-powered satellite. Still orbiting and operating 5 years later, the navigational device utilizes an isotopic power supply for its electricity requirements. This pioneering launch into space, I might note, came very close to never taking place. There were those who resisted the experiment because they felt a proof test was unnecessary, or because it might cost an undue amount of money. Vice President Lyndon B. Johnson, however, disagreed, and threw the support of the President's Space Council behind the Joint Committee's proposal to put the satellite to a test. It is no exaggeration to say that the success of the experiment broke the chains of power limitations in space.

Another example of the generation of electricity by atomic energy for use in space application was achieved in 1965. In April of last year the first nuclear reactor was orbited about the earth in a satellite containing a number of scientific experiments. This reactor, the Snap–10A, generated 500 watts of electric power for a period of 43 days following the launch. A failure, not in the reactor but in the electrical load distribution system, was apparently responsible for termination of the electric power generation.

I think it is important to note here that although the administration did not plan a test of the Snap–10A reactor in the space environment, the Joint Committee on Atomic Energy believed that such a test was highly desirable and could be conducted successfully at a reasonable cost. For this reason the committee recommended authorization of funds for the conduct of a test in space and the Congress, acting on the Joint Committee's recommendation, authorized and appropriated the necessary funds. The test was successful in that it demonstrated the ability safely to launch, start up, and operate a reactor in space—an important first in the U.S. space effort.

Not to share is foreign to the creed of the American people. Accordingly, on December 8, 1953, President Eisenhower presented to the General Assembly of the United Nations his historic atoms-for-peace plan, which embodied the Nation's desire and willingness to join with all other nations in a common undertaking directed toward the peaceful development and constructive exploitation of atomic energy. The popular appeal of directing atomic materials to peaceful rather than military uses was fully established by the enthusiastic worldwide response to the proposal.

Out of that proposal emerged the International Atomic Energy Agency, conceived as an instrument for enabling east and west to work together on technical and economic problems apart from the arena of political conflict. The Agency statute, approved by the United States in 1957, was a singular achievement, for it embodied the first significant agreement between east and west directly related to the arms limitation problem. The Agency has served to siphon off atomic materials from military to peaceful uses and, more importantly, to establish a system of international safeguards against the diversion of nuclear materials to military purposes.

A number of nations have found the International Agency a source of help essentially neutral in the East-West cold war conflict. To assist these nations we contribute equipment and material to the Agency for distribution as it sees fit, subject, of course, to Agency safeguards. Many others have chosen to deal directly with the United States in obtaining the materials, equipment, and technology required for peaceful atomic applications. Where this has been the case the Joint Committee has strongly encouraged the AEC and the Department of State to insist that any assistance furnished on a bilateral basis be subject to international safeguards. Similarly, where bilateral agreements entered into prior to establishment of the Agency have come up for renewal, the committee has fully supported the policy, and at times has had to insist upon the policy, of obtaining or establishing our Government's safeguards policy through the International Agency.

Some of the nations with whom we have cooperated have balked at the transfer of these responsibilities to the International Agency, preferring instead that the United States itself perform the safeguards task. They seem to feel that IAEA inspection is a badge of second-class citizenship in the nuclear world. It is important, however, that we continue to expand the international inspection system and improve our control methods to guard against the dangers to world peace posed by nuclear weapons.

Of the 32 bilateral agreements for cooperation in the peaceful uses of atomic energy presently in force, 27 provide for or contemplate the transfer of safeguards responsibilities to the International Atomic Energy Agency. In addition, the United States has voluntarily placed four of this country's reactors, including the large privately owned Yankee Power Reactor at Rowe, Mass., under international safeguards. Meanwhile, the United States has since 1957 supported the IAEA in the amount of $28.5 million in the form of cash and grants in kind. Through these policies we believe a vigorous, experienced, and respected international agency will evolve whose control system will be administered strictly and impartially and with a minimum of injury to national pride.

There have been occasions in the past when the AEC or the Department of State were willing to accommodate the resistance of some foreign countries to international Atomic Energy Agency safeguards. The Joint Committee, however, insisted upon compliance with the announced U.S. policy of IAEA or similar international safeguards and succeeded in strengthening the executive branch in its foreign negotiations.

Also, over the years there have been those who have advocated transferring nuclear weapons and weapon technology to other nations. The Joint Committee has steadfastly opposed actions that would increase the proliferation of nuclear weapons to additional nations, either directly or indirectly. Thus in 1958 the Joint Committee substantially revised proposed legislation submitted by the executive branch to assure that the legislation would not permit additional nations to achieve independent nuclear weapons capability through assistance from the United States.

Notwithstanding criticism that we have placed undue restrictions on the executive branch in the exchange of nuclear technology and information for military purposes with other nations, the Joint Committee, in recognition of its responsibilities to the Congress and the people, has insisted that it be kept "currently and fully informed" and that no cooperation agreement be entered into with other nations unless first carefully reviewed with the committee in light of the legislative intent of the Atomic Energy Act and to the extent security will permit that it be reviewed in public. We particularly have resisted for many years repeated efforts by those who all too willingly would turn over to other nations the secrets of our nuclear submarine and surface warship technology.

That, Mr. Speaker, completes my relatively brief reflection upon the history of the Joint Committee on Atomic Energy, which has now operated for 20 years. In conclusion, I want to say that the committee has been ever mindful of and constantly striven to act in consonance with its responsibilities and powers and its proper limitations and restraints. It has attempted to serve the Congress in the manner demanded by the needs of our country and consistent with the duty and honor of the elected representatives of the people of the United States.

As President Woodrow Wilson noted in his early study of the Congress:

> Congress in its committee rooms is Congress at work.

I think it is fitting and proper, therefore, that the public be informed of the work of the committees of Congress so that the people may better understand and realize the accomplishments of the Congress. That has been my purpose today.

What the next 20 years will bring is another story. While no one can predict the next two decades with any full degree of accuracy, some obvious conclusions can be drawn. I will reserve for some future occasion some thoughts I have concerning what we can expect to accomplish in the next 20 years.

The remarks of the President follow:

REMARKS OF THE PRESIDENT AT THE SWEARING-IN CEREMONY FOR DR. SAM NABRIT AND WILFRID JOHNSON

We are here today to welcome two old friends and distinguished Americans to our official family. At the same time, we are marking the twenty-year anniversary of both the Atomic Energy Act and the Joint Committee on Atomic Energy.

By these actions in 1946, the American people pledged that atomic energy would serve not only the national defense but international peace and the progress of all mankind.

We have done much to fulfill that pledge. Atomic power has been the shield of our security, and it has also become the symbol of hope.

The Atomic Energy Commission's operating budget is about evenly divided now between non-military uses of the atom and the direct needs of national defense.

As a result, nuclear energy is enlarging its role in meeting our needs for electricity. We have enough installed capacity to meet the electrical needs of almost two million American families. We will increase that capacity more than five times within the next four years.

The atom is also at work in medicine, agriculture, and industry. "Spin-off" from atomic development already has advanced progress in virus research. It has improved color television reception. It has even uncovered ways to assure greater cleanliness in hospital operating rooms.

Many new applications of atomic energy lie ahead. One of these is especially exciting to those of us who learned early in life the value of fresh water. It now appears that large nuclear plants can not only produce electrical power but supplies of fresh water as well.

About two-thirds of our planet is covered with water, yet less than one percent is water we can use in our daily lives. More than 97 percent is in the oceans. Another two percent lies frozen in glaciers and ice caps. And much of the one percent that comes to us as rain or snow is wasted before we can use it.

In the next 20 years the world's demand for fresh water will double. We must learn how to use and re-use our water supplies over and over again.

We will have to develop large-scale, efficient, and economic desalting plants.

We must learn to use the atom to provide the energy for those plants.

And we must use that knowledge and that energy as a part of a massive international effort to solve man's need for water.

This is only one of the challenges which faces our Atomic Energy Commission today. Your work, Dr. Nabrit and Mr. Johnson, is cut out for you.

I have every confidence that you will both prove equal to the challenge. Of the many distinguished public servants I have sworn into office since becoming President, none have come to us with better qualifications or a greater record of achievement.

Dr. Nabrit received his Master of Science degree and doctorate in biology at Brown University and has done graduate work at Columbia University and the University of Brussels. He is a noted biologist who for the past eleven years has been president of Texas Southern University.

Mr. Johnson was born in England, but has been a citizen of this country for many years. He was graduated from Oregon State College with a Bachelor in Science degree in 1930 and later received his Master's degree and the honorary degree of Doctor of Science from the same institution. He occupied positions of leadership in the atomic field for many years, serving until last May as general manager for General Electric Company in its operation of AEC's Richland, Washington, installation.

Last year he received the AEC's award for meritorious contributions to the U.S. nuclear energy program.

LAW AND ORDER—THE ESSENCE OF LIBERTY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. GUBSER] is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker, engraved on the marble front of the U.S. Supreme Court building are the words "equal justice under law"—a cogent description of our free system of goverment.

Ours is a government of law and not of men.

Law, and the order it produces, is what distinguishes freedom from oppression. It is law which subjects our national policies to the test of meeting the general welfare rather than the whims or caprice of a despot.

It was John Adams who said:

There can be no liberty in a commonwealth where the laws are not revered and most sacredly observed.

George Washington said:

Respect for our country's authority and compliance with its laws are duties enjoined by the maxims of liberty.

Law and order then is the very essence of liberty.

So it follows that the thousands of dedicated Americans who serve as peace officers who enforce law and maintain order are the true guardians of liberty.

It is my purpose today, Mr. Speaker, to pay a long overdue tribute to the men and women who daily risk their lives to maintain a government of law—our law-enforcement officials. As a further gesture of respect I am introducing legislation today which would direct the Postmaster General to issue a special postage stamp featuring the concept that law and order are the essence of liberty and which appropriately shows the important role police officers play in maintaining it.

In an age when civil liberties have been distorted to justify civil disobedience, when violence and mob rule are on the increase, when disrespect for law and those who enforce it is alarming decent citizens, it is time that a voice of moderation spoke out. Unfortunately, some programs urging support for local police have been conducted in conjunction with other impossible objectives such as impeaching our Chief Justice, getting out of the United Nations, and repealing the income tax. This has detracted from the credibility the program rightly deserves. At the opposite extreme are those who cry "police brutality" when the violence they would exercise against the freedom of others is restrained by a police officer doing his duty. Though they are vocal and verbose, neither extreme truly speaks for the great majority of Americans who understand and appreciate our law-enforcement officers.

Today's peace officers are caught in a struggle between those who consider individual rights to be paramount to society and the opposing view that individual rights should prevail only when they do not infringe upon the rights of society. It is this fine line which is drawn by the law as interpreted by the courts. It is a line which once was definite and clear but has become vague and muddled through court decisions, legislation, and public opinion.

Every person has the right to be free from harassment and persecution by the police. The rights of an individual are basic and precious to our way of life. But we also realize that society has rights which must prevail over individual rights.

Complete individual liberty would allow a person to drive at excessive speed, scream "fire" in a theater, or deposit refuse in the city streets. But, in the interests of society, it is necessary that such absolute exercise of individual liberty be curtailed. A citizen has the right to walk the streets without being beaten or robbed, women have a right to feel secure against assault, and our youths have the right to protection against the purveyors of narcotics. All of these rights are basic to life, liberty, and happiness and must prevail over any conflicting right of an individual. No person is entitled to special exemption or privilege under the law.

Charles Louis Montesquieu, the French jurist and philosopher of the 18th century, expressed it this way:

Liberty is the right to do what the laws allow; and if a citizen could do what they forbid, it would no longer be liberty, because others would have the same powers.

In recent years, and in the name of civil and individual liberties, the courts have made it more and more difficult for police to gather evidence, accept confessions, search for stolen articles, discover contraband narcotics and generally go about their business of apprehending those responsible for crimes against society. Many cases have been decided on highly technical constitutional or procedural points as in three recent cases.

In the famous Mallory case, a man was apprehended by the District of Columbia Police at 2 p.m. one day and 6 hours later he confessed to the crime of rape. He repeated his confession later in the evening. Again at midnight, upon being confronted by his victim and identified, he confessed his guilt. He was found guilty of rape and sentenced to prison. On June 24, 1957, the Supreme Court overturned Mallory's conviction because his confessions were made before he had been arraigned before a U.S. commissioner and therefore could not be used as evidence.

In the Killough case, a man strangled his wife, buried her in a rubbish heap, and confessed to the crime 5 days later. This first confession was held inadmissible by the court under the Mallory rule. After Killough had been arraigned, however, a second and third confession were also held inadmissible because the court claimed they were "fruits of the evil tree," namely, the first confession. Today Killough is walking the streets.

After a Sacramento supermarket robbery, police officers stopped what they thought was the getaway car. Instead they found a large quantity of dope and made an arrest. The defendants were set free because the court held that this was illegal search and seizure.

Unfortunately, the courts have taken these unprecedented steps to protect the individual criminal at the expense of society at a time when there is an accelerating and cancerous growth of crime. From 1960 to 1965 all crime in the United States rose 47 percent. Murder increased 8 percent, forcible rape an alarming 41 percent, robberies 32 percent, burglaries 42 percent and larceny 57 percent.

Is it not time, in view of these statistics, that we started emphasizing civil responsibilities as the very necessary corollary of individual civil liberties? Is it not time we insisted that we return to the concept that this is a government of law and no man has a right to take the law into his own hands? Is it not time we supported our police instead of throwing roadblocks in their path?

Civil disobedience must not become a way of life. It cannot be justified on grounds that the orderly processes for change in a government of law are too slow and must be prodded by violence, looting, and pillaging. It is not enough to cite the Boston Tea Party and the civil rights movement as means which were justified by a desirable end. Let us not forget that, whenever we assume that if we disagree it is our right to disobey, with each step toward disobedience we take a step away from freedom in the direction of anarchy.

The Negro surge for equal rights was justified and necessary. But the need for continued progress in the field cannot justify today's lawless mobs which destroy large sections of our cities and kill, pillage, and loot. The riots in Watts and the more recent difficulties in Chicago, Cleveland, and New York reflect far more than impatience in the struggle for the rights of full citizenship. They demonstrate a degradation of respect for law and order—the essence of our freedom. Impatience is understandable, but mob violence violates the principles of freedom and the very purpose of the civil rights movement.

No mature citizen wants to deprive our college students of their individuality, their right to dissent, and the opportunity to vigorously express their points of view. This is a better Nation because of the ambition, initiative, courage, ideas, and sometimes the impatience of the young. But there is a difference between expressing one's honestly held views and simply disrupting the serious business of an educational institution.

People who believe defiance of social decency is a mark of distinction are emotionally insecure. They are compelled to the ridiculous in order to avoid the obscurity which, deep in their inner selves, they believe they deserve. In ordinary times, it would be best to ignore college beatniks since a desire to be noticed is their principal motivation. But in times of unrest like the present some effort must be made by higher education officials to require at least a modicum of social dignity in our institutions of higher learning. Academic freedom must not be allowed to turn into academic anarchy. Rules, like laws, should protect the freedom of the great mass of students who truly desire to be educated. The rights of an academic society must prevail over the conflicting whims of individuals.

Those who need a rationale for defying and fighting authority have adopted the new watchword and battle cry of "police brutality." They have created a presumption in some circles that, regardless of the provocation, any force applied by police is brutality. The call has gone out for police review boards to sit in judgment of the police officer who is charged with brutality.

This type of board assumes that police are guilty. It ignores the basic fairness in the traditional American presumption of innocence until guilt is proven. It bypasses the normal judicial process and sets up an extra-judicial group to sit in judgment of police conduct. It harasses police and hampers their work by subjecting them to time-consuming hearings on general charges which are seldom proven. In fact, out of the first 52 complaints heard by the Rochester, N.Y., Police Review Board only one was sustained.

There are ample avenues of relief open in our judicial system for the legitimate victim of police brutality. Why must we set up a body which assumes functions above and beyond the law? Let us not forget that this is a government of law—not of men.

It is time some consideration was given the officer who also happens to be an individual with feelings, a family and human rights. He is the one who must risk his life and confront the criminal face to face. He is on the front line in the battle against crime. His job is the battling of angry mobs, patrolling hostile slums, confronting murderers and thieves, and generally dealing with the unsavory elements of society. And yet the courts expect him to be a constitutional lawyer, concerned with the niceties and fine points of law while he fights for his life. The criminal, rioter or demonstrator does not hesitate to abuse him and, worst of all, the general public looks on with apathy.

I am convinced that police officers throughout the Nation are dedicated and decent men and women. But they cannot work alone. They need our help, understanding, and support.

We need a new dedication to the long-established principles of law and order.

We need a reaffirmation of the belief that a free society is dependent upon citizens who believe in solving problems through legal means, for freedom is meaningless in a lawless society.

We need laws to help enforcement officers in their fight against crime and which properly realign the balance of community rights as opposed to individual privileges.

If it is our destiny to remain as a free people then we must, as Lincoln said:

Let reverence for the law * * * become the political religion of the Nation.

BILL BUCKLEY PROGRAM RECEIVES RAVE NOTICES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 5 minutes.

Mr. ASHBROOK. Mr. Speaker, it has been very encouraging to read the rave notices and accolades given to the new program which has been afforded those in the New York area by Bill Buckley. Time magazine recently had some very charitable words regarding Mr. Buckley's new venture into television and radio. Already a successful publisher, author, columnist and lecturer Bill Buckley is one of the great exponents of conservatism in America. It might have been suspicioned that many liberals would have panned his program but the high tone and quality of the program, its format, its guest list and its style have brought many rave notices.

Typical of these favorable reviews is Shana Alexandar's column, "The Feminine Eye" appearing in this week's issue of Life magazine.

One good question comes to mind: why not give the nationwide public the benefit of this fine program rather than limit its viewers to the New York area? With all of the inane programming now cluttering up radio and television, there certainly should be some time allocated to a real quality type program which is now emanating from the masterful and talented mind of Bill Buckley.

The article follows:

THE FEMININE EYE: EVEN BETTER THAN BATMAN

(By Shana Alexander)

I have forsaken *Batman* for a new TV hero who for me has even more pow, more thwuck, than the caped crusader himself. The new man is William F. Buckley Jr., whose prickly debates heard weekly on his show, *Firing Line*, make far and away the best talk on television.

I like the show for a lot of reasons, beginning with the cheerfully malevolent personality of the star. Buckley is more than the show's hero; he is his own best villain as well. Attacking a choice victim, he is as gleeful as the Joker, and he relies on the same juicy melodramatic tricks—the wildly popping eye, the flicking serpent's tongue, and the richly cultivated voice. His invective is as rich as his voice, and in the field of the screwy epithet Buckley is easily Batman's peer. He once called David Susskind such a staunch liberal that "If there were a contest for the title 'Mr. Eleanor Roosevelt,' he would unquestionably win it."

What really beats Batman is that Buckley is real, and so are his guests—Norman Thomas, Bishop Pike, Barry Goldwater, James Farmer. What beats all the other talk shows is the quality of the talk, which is swift, literate, informed, of the witty and frequently bitchy. I like Buckley because he not only doesn't play fair, he doesn't even pretend to. Good talk, not universal justice, is what Buckley is after and he knows how to get it.

But the clinching reason I like Buckley is that he appears not to give a damn whether I like him or not. In contrast to that cloying, puppy dog friendliness that characterizes other TV hosts, such aloofness is irresistible.

On a recent trip to New York I was almost disappointed when the real Mr. Buckley turned out to be a terribly easy man to see. He inhabits an elegant town house just off Park Avenue and there is something distinctly lairlike about the place. No bat poles, to be sure, but there is a vast, shadowy entrance hall and a tall, curving banister, with

a powerful motor bike parked at its foot. Two parlormaids armed with vacuum cleaners grope around in the gloom, and an unmistakable scent of rose petals hangs in the close air.

Buckley himself is tanned seersuckered and charming, and at close range it is evident that his forked tongue is in his cheek a good deal of the time. It was equally apparent that while he is a magazine editor, a syndicated newspaper columnist, a millionaire yachtsman and an able enough politician to win 340,000 votes in New York's last mayoral election, his true métier is show business.

A.F.T.R.A., a show business union, evidently thinks so too, and recently demanded he take out a union card. Buckley was outraged. He revenged himself on organized labor by naming as beneficiary of his A.F.T.R.A. life insurance policy the violently anti-union National Right To Work Committee.

Buckley sees himself as neither a politician nor a performer but as a writer, or more precisely, a rewriter. "I wouldn't show a first draft to anybody, not even my wife," he says. A dedicated quill-pen man at heart, Buckley believes that the mark of a real writer is to become less and less satisfied with the ad lib form. As a result Buckley is unable to watch, let alone enjoy, his own show. The premiere debate with Norman Thomas delighted me with talk like this: "Mr. Norman Thomas has run six times for President of the United States, and six times the American people in their infinite wisdom have declined to elect him. . . . If I were asked what has been his specialty in the course of a long career, I guess I would say 'being wrong.'" But the same show threw Buckley into such a blue funk that he has never watched himself again.

The idea for *Firing Line* grew out of four or five taped debates he did in 1964 for Patrick Frawley, the ultra-conservative chairman of Eversharp, Inc. But, Buckley commented, "Frawley's idea of a debate is to have Arthur Schlesinger tear open his shirt at the end and cry, 'Mr. Buckley, I repent for all my sins,'" and he has since refined his emceeing techniques.

He now tries to "put a little starch in my introductions," which is how the Mr. Eleanor Roosevelt crack came to be. Buckley says he would have been gentler with Susskind, but he was annoyed at having had so many clichés hurled at him by Susskind when Buckley was a guest on *Open End*. "He always says to me, 'Bill, why don't you move out of the 19th Century?' That old line has the same depressing effect on me as the first three notes of the Rachmaninoff *Prelude*. Susskind is a much greater embarrassment to liberals, you know, than he is a goad to conservatives."

Buckley's own greatest satisfaction comes "when I get something said that both needs saying and isn't banal," or "when I can expose an unexpected area of weakness." He liked his interview with presidential speech writer Richard Goodwin because "it showed the schizophrenia between rhetoric and activity at the highest level." He liked debating Staughton Lynd because "when a man tells you the moon is made of green cheese, what is interesting is what makes him think so." Buckley said he was interested in the fact that Lynd is the son of America's celebrated sociologists, the authors of *Middletown*.

"Is he their only child?" I asked.

Buckley's Minnie Mouse eyelids flapped. "I hope so," he said.

Buckley is aware of TV's inevitable mellowing effect—Buckley himself might prefer the word erosion—on his own viper image. But he doesn't know what to do about it. "This host business makes things so difficult," he says. In formal, off-camera debates, he prefers never to meet his opponent beforehand because "it's too emulsifying." Though Buckley's training and temperament make him expert at the British debating tradition of what he calls "tremendous off-stage civility," he claims that something more gladiatorial suits his own bloodthirsty tastes.

I said I admired the delicate way he phrased his more bloodthirsty remarks, the feigned tentativeness that masks an absolute certainty.

"You're being oxymoronic," he replied.

There are occasions when it is best to come right out and ask, "What does that word mean?" and this seemed to be one of them.

"Oh, you know," said Buckley. "A black angel. A soft butcher." His eye twinkled. "A liberal Republican."

THE U.S. HOUSE OF REPRESENTATIVES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FALLON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FALLON. Mr. Speaker, in my opinion, one of the glories of our American Congress is that it always has refused to be a static, status quo institution. Constantly, the current membership and our illustrious predecessors have sought ways to improve its effectiveness to our Nation and our people.

In this unflagging search for better methods of legislating it always is helpful to have the observations of a thoroughly objective and astute student of government. We are fortunate in having this in a report written by Mr. Abul K. M. Faiz, who is the Deputy Secretary of the National Assembly of Pakistan. Mr. Faiz has been an intern, working in and with our House Public Works Committee, since last Jaunary, under my sponsorship.

His keen, diligent, and thorough investigation into our American system of federal government, particularly our Congress, reveals his own governmental background and his report is largely a comparison between the parliamentary system of Pakistan and our system. In the belief that my colleagues will get both profit and pleasure, as well as some flattery, from this report to be made to the Pakistan Assembly, I ask permission for its inclusion in the CONGRESSIONAL RECORD:

THE U.S. HOUSE OF REPRESENTATIVES AS SEEN BY A CONGRESSIONAL FELLOW

(By A. K. M. Faiz, Deputy Secretary, National Assembly of Pakistan)

The vastness and unique features of any study of the Practices and Procedures of the United States Congress cannot be better stated than by quoting the inimitable words of Woodrow Wilson in his "Congressional Government."

"Like a vast picture thronged with figures of equal prominence and crowded with elaborate and obstrusive details, Congress is hard to see satisfactorily and appreciatively at a single view and from a single standpoint. Its complicated forms and diversified structure confuse the vision and conceal the system which underlies its composition. It is too complex to be understood without an effort, without a careful and systematic process of analysis. Consequently, very few people do understand it, and its doors are practically shut against the comprehension of the public at large. If Congress had a few authorative leaders whose figures were very distinct and very conspicuous to the eye of the world, and who could represent and stand for the national legislature in the thoughts of their very numerous, and withal very respectable class of persons who must think specifically and in concrete forms when they think at all, those persons who can make something out of men but very little out of intangible generalizations, it would be quite within the region of possibilities for the majority of the nation to follow the course of legislation without any very serious confusion of thought."

I felt how true Wilson was when I attended the first few sittings of the January-1966 session of the House of Representatives with its time-killing roll calls by name at a time when the push-button system could have made them a matter of a few seconds; too quick disposal of bills and resolutions in the House with liberty (subject, of course, to unanimous consent of the House, which is generally granted); to extend even unrelated remarks to form part of the CONGRESSIONAL RECORD. I could, however, realize shortly that these time-honored practices had their justification, although they would appear rather confusing to the casual visitors, particularly those who are not familiar with the system of committees, the "little legislatures" within the Congress. The oral roll-call allows a small margin of time to congressmen who have their offices scattered over three buildings outside the Capitol Building. The committees, as experts in their respective fields, thoroughly examine and scrutinize all bills and resolutions, hold public and executive hearings over a period of days in important cases, and thus minimize and obviate lengthy discussions in the House chamber. Although it may render the discussions in the House less lively at times and one might see some usurpation of the function of the House by the committees, this is a healthy and effective way of checking random discussions and filibustering in the chamber, which the House has thus succeeded in keeping to a minimum. The committees are after all a limb of the House. The extension of remarks under the one-minute rule of speaking not only enables a member to have a say but also brings to public focus certain important matters which might not otherwise have any chance of coming to the notice of this august House and the nation.

I believe the sponsors of the Congressional Fellowship Program (The Asia Foundation) and the American Political Science Association (as its local supervisors) are aware of the vast scope and implications of this important program. I would, however, suggest that greater effort be made to draw the attention of the Fellows, especially the non-American ones, to its widescope and diversified nature inasmuch as the bulk of the Fellows are drawn from sources other than legislatures.

Naturally, their needs are varied; and to make their studies really effective it is necessary to give them insight into the various facets of the Congress which, inter alia, include the office of the congressman and committees (as perhaps the most important), offices of other officers of the House, e.g., the Speaker, the Majority Leader and Minority Leader, the Clerk, the Parliamentarian, the Doorkeeper, the Sergeant-at-Arms, the Reporters, the Journal Clerks and facilities to see the committees (at least, the important ones) like the Committee on House Adminis-

tration, Ways and Means Committee, the Appropriations Committee, the Committee on Government Operations, Foreign Relations, Agriculture, etc. To achieve these objectives they require not only a general orientation about the government and the people of the United States but also a desk-to-desk experience, wherever feasible and permissible, of the different work done by the various staffs in the offices of congressmen, the committees, and of other House officers. This is particularly necessary for the Fellows drawn from legislatures. The Fellows should not grudge any practical work which they may be called upon to do in attaining these objectives.

Some of the supervisors and perhaps some members of the staff in a congressman or senator's office seem to think that any work, though it may pin down a Fellow to a very limited sector or to one alien to his own field, should be good enough for a Fellow. I think that the training of a Fellow should be on the lines indicated above, keeping in view the special needs of his profession or of the office he represents. Latitude may, however, be allowed in the cases of those who wish to make a special study or research on a particular sector of the Congress or of a congressman's office. It is quite true that it is not possible to set up a standardized program for a motley team like this. The idea here, therefore, is to emphasize the special needs of a Fellow who should at the same time have a bird's eye view of all other sectors of the Congress. This position should be appreciated by all those charged with the training and supervision of the work and progress of the Congressional Fellows, especially of those who come with the object of seeing all aspects of the Congress, sometimes unaware of their uncertain role here. The placement of Fellows, at least the non-American ones, with congressmen or Senators should preferably be negotiated by the supervisors (American Political Science Association) as is done by the Agency for International Development in placing their participants with other agencies. True, left to themselves the Fellows have chances of more contacts; but it becomes difficult without some introduction.

Here I cannot help expressing my gratitude to the Chairman of the Public Works Committee (Mr. FALLON of Maryland), his Committee, members of the staff, especially Mr. Richard Sullivan, Mr. S. V. Feeley, and Mr. Sterlyn Carroll for the facilities extended to me. They have been extremely kind and cooperative not only in whatever I needed within the Committee but also in my contacts with various other offices and committees of the Congress. I have been highly impressed and benefited by their help and guidance. I must also record my gratitude to Dr. Charles J. Zinn, Law Revision Counsel, to the Clerk of the House and his staff, to Mr. Brown of the Parliamentarian's office and others for their ungrudging assistance to me. It will remain a pleasant memory for me to recall the friendly atmosphere and absence of red tape that pervade the Congress and its offices.

Now to revert to the scope of the training/orientation program. For a fuller understanding of the working in the House, it is necessary to know that the practices in the House are in many ways as unique as the party system in the country and its growth. It is interestiing to note that the Founding Fathers of the Constitution did not seem to think in terms of parties but, perhaps, only in terms of a united nation—all working in unison to serve a common end. Nevertheless, the country could not keep up the non-partisan spirit inspired by Washington. With his entry into the Presidential office arose the Federalists under the leadership of Alexander Hamilton. On the other side was the coalition formed by Thomas Jefferson which started out as the Democratic-Republican party and ended up as the Democratic party. Andrew Jackson gave it a Southern and Western cast. The Whigs, the followers of the Federalists, were the only opposition. However, with the rise of the Republican Party in 1854 U.S. politics entered a clear two-party system which has been successfully in operation till today.

The results of the two-party system have been that both parties are broad alliances of different interests and that they tend to be moderate in their platforms. Thus the real gap between the two parties is not very sharp; the minority party in the House today is the Republicans who are popularly called the GOP (Grand Old Party) and its leader is known as the Minority Leader instead of the Opposition Leader. This liberal approach to national affairs and absence of any fundamental difference in party programs make possible the election of the leader of a minority party to the office of the President, as happened in the case of President Eisenhower at a time when the Democrats were in a majority in the House.

Another interesting point in American party politics is the nomination of candidates for congressional and gubernatorial offices. Despite sufficient authority the party leadership does not impose nominations on the electors. It rather goes by the democratic verdict of the people as revealed by the results of primary elections and nominates such people as come out successful in them.

The raising of party funds through dinners and luncheons at high rates per dish is another novel feature of U.S. political parties. They know it and openly admit that elections here are a costly affair. However, like other countries here too there are fixed limits for expenditures on elections. A member of the House cannot spend more than $2,500 on his election and a Senator is limited to a sum of $10,000 only. They have to render accounts before and after the elections. But these limits can be circumvented through invisible expenses or expenses made by friends and relations on their own without involving the candidate concerned.

All associations and labor organizations have to submit four reports a year to the Clerk of the House. They have to submit six such reports in the year of Presidential election. This applies to all such associations as contribute $100 or more to an election.

Paid lobbyists are a recognized institution here. Lobbying is an extension of the right to petition guaranteed by the Constitution. They have to have their names registered with the Clerk of the House and to submit quarterly reports regarding their activities, including the money that they receive from the agencies they represent and the type of legislation they lobby for.

Party discipline in the House is different in certain respects from that found under a parliamentary form. There is no rigid party mandate here, even in the matter of votings in the House. The Republicans have no mandate, while the Democratic party mandate in this regard is also loose. A member of the party might not support a particular measure if he felt that it were against his conviction or that it was against a commitment made to his electors during the elections. All that the leadership and the Administration could do in such a case was to resort to persuasion. At the worst, they might put indirect pressure by withholding support and patronage in matters in which such a member might be interested. Nevertheless, it must be admitted that the process is liberal and based on a policy of give-and-take. This goes to make legislation more balanced and more acceptable to the people and parties in the House.

That the party system here is more liberal is borne out also by the fact that the members of the majority party (which is an equivalent of the Government party or treasury benches in a Parliamentary system) openly criticize the Administration—at times violently—even though the critics may side with the Administration when it comes to the question of voting funds.

It is interesting to note that within the Democratic party there is a group known as the Democratic Study Group, which consists of about 175 liberal members out of 294 Democrats who are in the ratio of 2 to 1 to the Republicans. This group generally supports all liberal legislation and tries to exert its influence on the conservative members; yet they are solidly behind the party. They have support of a few liberal Republicans who are with them on such measures as civil rights. The Republicans are said to have a similar group, though it is not so effective and conspicuous. In addition, the Republicans have a Committee on Planning and Research. Above these, the Democrats have the Democratic Party Caucus; and the Republicans, the Republican Party Conference. At the top of the Democratic party is the National Democratic Committee and at the top of the Republican party is the National Republican Committee, both of which become really active at the time of the Presidential election, particularly in the national conventions which nominate the candidates for President and Vice President.

Now a word about party leaderships in the House. Here again, certain things are clearly different from those under the parliamentary form. There is no opposition party in the House, just as there is no government party or government business or private members' business. All measures sponsored by the Administration are, at least in theory, on the same footing as a bill or resolution sponsored by any member on his own initiative. No member is at all bound to sponsor a bill for or on behalf of the Administration, although a measure requested by the Administration or a department is, as of courtesy and practice, generally sponsored by the chairman of the committee concerned. This was true even during the six-year period of President Eisenhower's term during which both Houses were controlled by the Democratic party. The committee has the liberty to deal with it in any manner it deems fit. It may sit on or pigeonhole it, if necessary.

The leadership in the House may be roughly divided into two groups. On the one side are the Speaker, the Majority Leader, the Majority Whip and Assistant Regional Whips in charge of a zone each; on the other side are the Minority Leader and the Minority Whip (and the Regional Whips).

In the House the Speaker is the top Democratic leader. He participates in the debates and clearly expresses himself in favor of or against a particular bill or measure. Undoubtedly he has a great say in all matters brought on the floor of the House, but all this does not detract anything from his impartiality as the presiding officer of the House. Nor does he remind one of the excesses of his predecessors, Thomas B. Reed and Joseph Cannon, who would at times like to have their way openly and despite what the feelings of the House might be. The present Speaker gives the impression of a genial person, impartial, accommodating and liberally inclined to the Minority and its susceptibilities.

No daily orders of the day are issued, as in some other parliaments. The business to be brought before the House during the next week is notified on the floor of the House before the end of the previous week by the Majority Leader on his own or at the request of the Minority Leader or some other member. This is also communicated in writing to the Minority Leader and the party whips.

It is the party whips that pass on this information to the members of their respective parties. The information may be had in the CONGRESSIONAL RECORD, which is available to the members on the morning following every working day. The Office of the Speaker or of the Clerk has no responsibility in this regard. The orders of the day (known as the daily calendar) thus remain fluid and subject to the discretion of the Speaker, who exercises it in consultation with the party leaders. In this way the priorities of business on a particular day are determined within bounds of Rules, which may be suspended under special circumstances by unanimous consent or by a two-third majority of votes of the members present.

Bills and resolutions reported upon by the legislative committees fall under different categories and are included in the calendars as follows:

(i) Union Calendar—contains all measures for revenue or appropriations and measures directly or indirectly appropriating money or property;

(ii) House Calendar—relates to non-money measures; and

(iii) Private Calendar—deals with bills and resolutions relating to individual cases.

There is another calendar, (iv), the Consent Calendar which, at the request of members, includes bills and resolutions which are likely to be passed unanimously and without any debate. The Private and Consent calendars relate to the non-controversial bills and resolutions and account for the largest number of bills and resolutions passed by the House.

It is interesting that even the bills and resolutions on the Consent Calendar are not allowed to go unnoticed. A committee of six members (three from the Democrats and three from the Republicans), known as the Official Objectors Committee, scrutinizes these measures. An objection by any of these members keeps a bill pending until the next date for considering this type of business. Three objections result in striking such a bill or resolution from this calendar. It is a good time-saving device and has worked very well.

Outside the House chamber itself, the standing committees of the House are the most powerful and important of its organs. They have been rightly called the "little legislatures." They share the burdens of the House by examining and scrutinizing the thousands of bills and resolutions that flood it every session. The committees decide the fate of many of them by killing or pigeonholing those that are not important or pressed by their sponsors. During the last session (i.e., the first session of the Eighty-ninth Congress), the House received 11,296 bills and the Senate received 2,872 bills. During the current session as of July 14, 1966, the House received 16,279 bills, 1,212 joint resolutions, 829 concurrent resolutions, and 915 simple resolutions. The Senate received 3,620 bills, 176 joint resolutions, 101 concurrent resolutions, and 283 simple resolutions. It would be impossible for the House and Senate chambers to deal with each one of them, even if they sat much longer than they do now. This makes the role of the committees all the more important and arduous.

The committee hearings are of great value in more ways than one. First, they alert and give an opportunity to all those likely to be affected by or interested in a particular measure to represent their cases to the committee. Second, they give an opportunity to other members of the public to participate in and express, if they like, their views on the making of laws that are going to affect them and at the same time insure that no measures are hustled through at the will of the Administration or their interested sponsors. Third, they are a great source of education for all concerned. Subject specialists and reputed scholars are invited to testify before the committees. They express themselves freely and fearlessly to the benefit of all present and of those concerned with the making of a particular law. This is a costly process, but it is a worthwhile democratic and educational process of immense value. In a Presidential system where questions for answers on the floor of the House are not allowed, as done in a parliamentary system, the committees are an essential concomitant to its democratic process for the committees can call and examine officials from the governmental agencies regarding bills and other matters. The committees of the U.S. Congress are accomplishing that role in a very efficient—and one might say—in a unique manner suitable to the genius of this country. Unlike standing committees elsewhere, e.g., Canada, Pakistan, etc., the standing committees of the U.S. House of Representatives can do without reporting upon a bill or bills which they do not support. Thus they are vested with greater power.

On the one hand, the committees profit by the expert evidence of specialists called from outside; on the other, the committees themselves are experts in their own fields inasmuch as the membership of a committee is drawn generally from the old members of the same committee and those specially interested in a particular subject. This again is a very healthy convention worthy of emulation. As a result, most of the members are capable of participating and cross-examining the witnesses in an intelligent and effective manner. To add to these, most of the committees, particularly those like the Foreign Affairs Committee, have experts on the committee staff who assist the members and often prepare briefs for them. All this makes the process a complete and worthwhile one and very well justifies the money spent on the committee system.

A committee may sponsor a bill, propose a substitute bill for the one under consideration, or propose amendments to it. The mode of sponsoring a bill or resolution is highly democratic. No member of the Presidential cabinet can sponsor a bill. A bill or resolution recommended by the Administration is, therefore, introduced by the chairman or a member of the committee concerned. Thus, a committee is free to deal with such a bill or resolution in any manner it thinks fit.

It may be mentioned here that the House has 20 standing committees, about 100 subcommittees and one special select committee. In addition to these, there are 10 joint committees. The number of subcommittees of a committee and its staff vary according to the special needs and importance of a committee. The chairmanship of a committee, by practice, goes to the senior-most member of the majority party.

This seniority system has been a matter of long controversy and criticism, but is still there in the absence of a better alternative.

As regards the committee staff, the Rules limit them to four professionals and six clerks for a committee, to be appointed by a majority vote of each committee. The staff of a committee is shared between its chairman and its minority ranking member. There is some element of duplication in this. But the staff works in a laudably cooperative and friendly manner to promote a common end. This division of staff is effected to ensure an easy take-over of responsibilities by the staff concerned when the minority of today may become the majority of tomorrow.

Of the committees, the Committee on Government Operations among other things also does the work done by a Public Accounts Committee in other parliaments. The Rules Committee here plays a distinct role and, therefore, deserves a special mention inasmuch as it has the power to participate in making decisions affecting the agenda of the House. It has the power "to give or withhold hearings for rules, to give or withhold rules, to trade a change in the bill for a rule, to permit or forbid amendments, and set the length of a debate, to take advantage of time constraints near the end of a session, to arbitrate differences between legislative committees and to initiate action in the absence of legislative committee decisions." It has, therefore, been variously criticized and branded as conservative, oligarchic and obstructive in attitude. In fact, the House rose in revolt at the time of Speaker Cannon, for "He used the Rules Committee as his instrument for setting and dominating the agenda of the House." Then came the 21-day Rule as adopted by the Eighty-first Congress. It was re-adopted by the Eighty-ninth Congress in 1965, giving the chairman of a legislative committee the right to call up a bill upon which a special rule was adversely reported or not reported within 21 days by the Committee on Rules. Another step was taken in 1961 to liberalize the Rules Committee by raising its membership from 12 to 15. To add to these, bills may be brought up before the House through unanimous consent and Wednesday Calendar proceedings, under which a committee may call up a bill previously reported by it. Despite all these, statistics show that the bills on which the rules were withheld by the Rules Committee and which were brought before the House through a discharge petition rarely passed through the House and Senate. All that the House did not like was the adverse attitude of the Rules Committee towards progressive legislation on subjects like civil rights, full employment, etc. It must, however, be said to the credit of the Rules Committee that by fixing the time limit for discussions and by putting restrictions on filibustering and unnecessary and delaying tactics and amendments, the Committee advances the smooth and quick passage of bills and saves valuable time of the House. The position in the Senate is different, as there is no such check on filibustering.

Another mentionable feature of the committees is that they meet regularly on the dates of the month set for each. As the Congress meets at 12 noon, most of the committees meet in the morning because they, barring the exempted few, cannot sit when the Chamber is in session, without the permission of the latter. To keep the committee hearings undisturbed, the Rules provide that committee hearings can be held in the absence of a quorum, although no decision could be taken without it. Proxy voting is also allowed, although a proxy does not count to the making of a quorum. These may be adversely criticized but their justification lies in the fact that they expedite committee work, which has to keep the House fed and to move with the pace of work in the House Chamber. All said and done, these are good practices and may be tried elsewhere with advantage.

We have seen that the committees are a most powerful organ of the Congress. It would, therefore, be pertinent to inquire about the sources of their authority that empowers them to call witnesses and even to cite them for contempt if they refuse to attend or testify or to produce records asked for. During the current session of the Congress, several persons (perhaps seven) have been cited for contempt of the Committee on Un-American Activities.

The committees are guided by the Rules of the House as far as they are applicable. They may, however, make their own rules consistent with those of the House. It may be mentioned here that the House is very zealous about its powers and authority. By way of assertion of the same, every new Congress (the House only as the Senate considers itself a continuing body) adopts the Rules in practice already with or without any amend-

ment to prove that it is not bound by the rules of its predecessor.

In the same way every new Congress, while forming the committees of the House, determines the duties and powers of every committee by the resolution that creates them. The House can, of course, invest any committee with new duties and powers wherever it likes. Rule XI of the House Rules empowers committees to issue subpoenas. In the case of the Committee on Un-American Activities it derives its authority from Public Law 601, Seventy-ninth Congress (The Legislative Reorganization Act of 1946).

The House also stands on its inherent rights as a sovereign body, which in the words of Speaker Reed are, "It is for the House alone to determine what they are." In a case arising out of an inquiry by the Committee on Un-American Activities in 1957 the Supreme Court held, "The power of the Congress to conduct investigation is inherent in the legislative process." "It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation." (U.S. v. Watkins 354 U.S.) (CONGRESSIONAL RECORD, February 2, 1966).

Thus the House maintains that it has the right to take cognizance of and try a contempt of the House or the breach of a privilege. But, for a long time it has not exercised that right. It rather cites the cases of contempt and refers them to the Attorney General for appropriate legal action. Sections 192 and 194 of Title 2, U.S. Code (contempt statute) lay down the penalty and procedure for punishing witnesses who willfully make default or refuse to answer questions put in the course of a hearing by the House or its committees. The claim that the House has inherent rights to determine its rights and privileges has been generally accepted by the Nation and upheld by the courts as noted above. Thus the question of rights and privileges of the Congress stand well-settled both by convention and the rulings from the courts. These may serve as guides and precedents for other new legislatures to follow.

The members of the Congress enjoy the privilege of franking letters for official purposes only without a limit to their number but subject to certain restrictions. In addition, a member gets postal stamps worth $500 a year. He also gets liberal facilities for telephone calls and telegrams. One word in a telegram makes one unit, while one minute on the telephone makes four units. He is entitled to 140,000 such units per Congress. Furthermore, he gets a sum of $2,400 for stationery per annum.

Intimately linked with the committees is the office of the Legislative Counsel of the Congress, which consists of a few legal and drafting experts who assist the members, the committees and the House in drafting and amending bills or resolutions that come before them for consideration. Very often this section has to work in confidence on the verbal instructions of members desiring to sponsor bills. It has to work in close cooperation with the departmental representatives and the committees. Its officials are often required to attend committee meetings so that they may know the full implication of the changes or amendments and even redrafting of a bill that may be referred to them. It is the friendly cooperation among the committee officials, the office of the Legislative Counsel, and the department that may be concerned with a particular measure that helps produce quickly a good bill or a good committee report. I have found them conscious of this obligation. This team spirit has impressed me much. The major function of the Legislative Counsel is, of course, to give a legal and formal shape to the ideas of a member or of a committee without any change in the concepts of the sponsor. The other function is to see that a proposed measure does not repeat or collide with the provisions of an existing law.

The Library of the Congress is perhaps the largest institution of its kind with about 13.5 million books, 2,000 dailies and weeklies, 3,500 employees and 16 reading rooms. It is both a library of the Congress and the national library and deals with the copyright of books. It is open to all adults (only high school students are excluded). Hundreds of students and research scholars from within the country and outside derive benefits out of it. It has a Photo-Publication Service which is self-financing and serves both the Congress and customers from outside. Starting from a Rockefeller grant, it is now a huge self-sustaining unit. The Library has a music recording studio and a huge stock of old manuscripts. It has handwritings of as many as 26 presidents of the United States. It has separate sections regarding most of the countries of the world with rare books about them and their languages. It has facilities for translations into English from other languages and has some foreigners on its staff. It has a special reading room for the Members of Congress, which remains open until 10 o'clock in the evening every day of the week, including Sunday. It contains reference books and a large number of magazines. The above gives an idea about the magnitude of the Library. What is of particular interest to a student of the Congress is the Legislative Reference Service of the Library, which is meant exclusively for service to the congressmen and Senators. This service has nine divisions, such as the American Law Division, the Foreign Affairs Division, and so on, each being manned by specialists in a particular field.

The Legislative Reference Service receives about 100,000 requests from the Members of Congress during a session. They cover a wide range of subjects—social, political, economical, educational, financial and international problems and even matters on which information is sought from a congressman by his constituents. These requests number 80 to 100 per day and come over the telephone, in writing, or through personal visit with the officials of the Service. It has to prepare materials for speeches and even speeches for congressmen at a very short notice on complicated matters not necessarily regarding one particular subject. In quite a few cases the officers have to put in combined efforts to meet the requests of congressmen and that within a limited time of two to three hours at times.

The Service has a staff of 250 officials, of whom about 125 are specialists. This is a pretty big establishment and means expenditure. But it is a very useful unit as it helps the congressmen in the discharge of their congressional duties and makes them more effective and useful to the House and the Nation. The Library of National Assembly of Pakistan will do well to have a small reference unit to assist the members in this way.

As referred to earlier, the House of Representatives has simplified the procedure for election of the Speaker and other officers of the House. The Speaker is elected under the chairmanship of the Clerk who presides at the first meeting of the new Congress, and who along with the Sergeant-at-Arms, the Doorkeeper, the Postmaster and the Chaplain are elected under the chairmanship of the Speaker. A convention has grown over the years that until the election of the Speaker no member of the House of Representatives takes any oath—and yet they elect the Speaker, although a question may be raised as to whether the election of the Speaker is a business of the House and, if so, whether members were competent to transact any business before they took their oaths of office. In Pakistan a member of the House is not supposed to transact any business, including the election of the Speaker, before he takes the oath of office. If the point raised here can be overlooked, as is done by the U.S. House of Representatives, the election of the Speaker may be made the same way in Pakistan, too. It will simplify the procedure and obviate pre-election formalities. No formal nominations will have to be invited or submitted before the first meeting. The House elects one of the two nominees—one put up by the Democrats and the other by the Republicans. The nominee of the majority (as determined by the Democratic Party Caucus) became the Speaker in this Eighty-ninth Congress and the nominees of the minority party (as determined by the Republican Party Conference) became the Minority Leader in the House.

As for the oath to the Speaker, by usage, and not necessarily the oldest member of the House (in respect of service in the House) administers the oath to the Speaker, who administers oaths to other members and officers of the House. Members may take these oaths in a group by each signing an oath form in token of oath-making. The Speaker does not delegate to others this authority to administer oaths to members.

The Congress has a long session of eight to ten months a year. It may meet more than once, if necessary. The congressman is, therefore, a busy person and a full-time official of the Congress, barring the short recess and his visits to his home constituency. He has a well-furnished office with a number of staff members to assist him in the performance of his congressional duties within the chamber, in the committees and also in his contacts with his constituency. The staff strength has recently been raised from 10 to 11. His attendance at the meetings of the committees is almost as important as that in the House for the quorum in that both require the presence of half the total members plus one. He receives letters from his constituents in dozens and at times in hundreds. He tries to answer as many of them as possible. A large number of people from his constituency visit him frequently. He has to attend to them. He has to respond to numerous other calls including television, radio, and meetings. Many others seek redress of personal problems or grievances regarding pensions, employments, admissions to special institutions, and so on. Most of the congressmen have telephone interviews with school and college students, say for 15 or 20 minutes a week. Thus a congressman has to put in a good bit of labor and sweat in earning the prestige and money that his congressional position fetches him.

His staff are an equally busy lot. Some have to brief him about matters before the House and the committees. Some have to draw his attention to references made by his constituents. In most cases, the staffs of the congressmen are busy throughout the day. Quite often some of them sit late. Unlike government employees, they have to work to suit the convenience of the congressman without a rigid reference to office hours. In this age of publicity and propaganda, he and his staff have to keep abreast of happenings around and focus his activities before his constituents, for he has to approach them every two years for votes. Thus the life of a congressman is a really active one which may attract both admiration and sympathy, for he has to elbow his way through odds and tough competition of merit and money.

The biodata of congressmen show that a vast majority of them are university graduates, in many cases with law degrees and

legal practice and experience of various other public offices at their credit. This is undoubtedly a learned body of capable men and women. In the result, even the unwritten speeches are generally brief, elegant and to the point, and congressmen show them as persons with parliamentary background and skill. The business of the House, therefore, goes on smoothly and expeditiously despite an air of informality in the House.

There are quite a few other interesting points about the Congress and its practices. The method of introduction of bills and resolutions has been simplified by the placement of a box, called the Hopper, in the Chamber, which is the only means of submitting a bill or resolution to the House. The Speaker refers it to the revelant committee and it finds a place in the CONGRESSIONAL RECORD and the appropriate calendar of the House. This obviates routine, and the bill or resolution comes to the notice of all concerned without delay.

The House has a Parliamentarian who, together with his assistants, advises the Speaker in all matters relating to Rules of Procedure, precedents and rulings given by the Speaker. The present Parliamentarian has held this office for about forty years. The importance of this office lies in the fact that it keeps up continuity and uniformity among the rulings and that it helps in the quick disposal of points that call for rulings from the chair.

The Parliamentarian's office also checks the Journal of the House before it goes to the House for its approval. This Journal is the official document of the House, while the CONGRESSIONAL RECORD contains the verbatim proceedings of the House. In Pakistan, the debates are the official documents, although a summary of the daily proceedings is prepared by the Assembly Secretariat and communicated to the members for information.

Two clerks are in charge of the Journal of the House, while the Congressional Digest has an editor and an assistant editor. There is no editor of debates and the verbatim proceedings are taken care of by the Official Reporters who are assisted by a fast typist each. After every turn taken by a Reporter, the speeches are dictated through a dictaphone and the same are immediately typed out for correction by members, if they choose to do so. These go to the Government Printing Office the same day, for every member is to be supplied a copy of the CONGRESSIONAL RECORD the following morning. The seniormost of the Reporters, who are a very friendly team of seven, is known as the Dean of Reporters by virtue of his seniority although all of them have the same status and scale of pay. One can easily see the skill and dexterity with which they take notes in the House.

The committee proceedings are recorded through reporters hired for the session from private firms on payment of a fixed rate per page. Surprisingly, on occasions, one of such reporters would use the stenograph machine for an hour or more before another takes the turn. The tendency here is towards machines as it is difficult to get really fast shorthand stenographers. It would be worthwhile if one or two persons from the staff of the National Assembly of Pakistan could be trained for a year or so in the use of the stenograph machine used in the committees here.

The Clerk's office has two Reading clerks who do all the reading in the House except putting of questions to the House, which is done by the Speaker. The clerk does not necessarily remain in the Chamber, while the Parliamentarian of the Assistant Parliamentarian is generally present.

Besides keeping order in the House, the Sergeant-at-Arms disburses the salaries and the mileage from and back home to the members. All other payments are made by the Clerk's office. I could find no reason why these two unconnected jobs have been given to the Sergeant-at-Arms, while the payment work could appropriately go to the Clerk's office. But that is the rule of the House of the subject. He may also be required to enforce attendance of absentee members by the Speaker under the authority of the House.

The Doorkeeper is another elected officer of the House required to enforce rules relating to the privileges of the Hall, including entry of visitors to various galleries. The Press Gallery is the really exclusive gallery. The Executive and the Diplomatic galleries are used once in a while. In one of the galleries, the Speaker has only nine seats for his guests. It seems there is something hallowed about the Capitol. Its serene grandeur which is reflected by the unique white dome and seems never to fatigue an onlooker attracts hundreds of visitors, including children, who see the proceedings in the House in large groups. They are encouraged to do so. The entry passes are issued mainly by congressmen and the Speaker. The Doorkeeper too issues them in certain cases. In meeting the rush of visitors, the Doorkeeper and his staff use a lot of discretion by using special galleries for school students or other authorized groups. The Doorkeeper announces messages, if any, from the Senate.

The Postmaster and the Chaplain are also two elected officers of the House. The postal staff here belongs to the House service and not to civil service, although they operate like other post offices.

In this large House with a membership of 435 people, there are only 10 microphones, including two for the Speaker and the Clerk. Thus, each side of the House has only four mikes; yet there is no clamor over this small number.

The system of pairs is a novelty of the Congress. An absentee member may indicate in writing to the pair clerk his intention to support or oppose a particular bill or part thereof. He is paired with someone else who indicates an opposite view. The effect of a pair on the fate of a bill is nil. The purpose of this is to indicate the position of a particular member on a bill. There is another category called the general pair. Its purpose is to show that certain members were not present on a particular day and that subsequently they might tell the House which side they would have taken, if they had been present.

Most of the voting in the House is done by voice. There are three other kinds of voting: (1) vote by raising hands or rising in seats; (2) vote by teller method—where supporters and the opponents of a motion are required to pass through the main aisle of the House, counting being done by one member from each side of the question named by the Speaker; (3) the record vote where members are called by name and marked by the respective tally clerks. This is time consuming but reflects the exact position taken by the parties and their components.

Sittings arrangements in the House are simple. Any member of the majority party make take any seat on the majority side. Similar is the case with the minority side. In addition to his room as Minority leader and congressman, the Minority leader has a room adjacent to the Chamber. Each side has a cloakroom. In the Senate, however, the senior members have preference over the juniors in the matter of selecting their seats in the Chamber.

The errand boys for the House are known as pages. They are available for carrying messages and papers to members. They remain in the Chamber during the sittings. There is a school for the pages, who are taught in the morning. In addition, they are handsomely paid. These may be said to be patronage jobs and may lead to good careers for these boys.

Both the Congress and the Federal Government encourage training of student interns (some of whom are unpaid volunteers) from schools and colleges in congressional affairs during the three-month period of the summer vacation. There are some interns who are college teachers or research scholars sponsored and paid for by voluntary agencies. The other interns are paid a monthly stipend of $200 or more by the Congress out of the funds allotted for the purpose. This helps teachers of political sciences and students to see the Congress at work—a situation which, at least in certain respects, is different from what one may see in books.

The House has evolved some time-saving devices for quick disposal of bills. The first and third Mondays of a month consider bills under suspension rules, where after a debate of 40 minutes a vote is taken and an affirmative vote of two-thirds of the members is necessary to pass the bill. In the case of bills placed on the (unanimous) consent calendar, bills are passed without objection with little or no discussion on the floor of the House and thus no time is wasted on simple and noncontroversial bills.

Another time-saving device is the division of time between the manager of a bill and the minority ranking member. It is the discretion of these two persons to yield time to other members. Even then, the time is limited to a few minutes only. This is a good practice and works here smoothly. In addition, it obviates embarrassment of refusal on the part of the Speaker who has to play this unpleasant role in other legislatures. But the members are very cooperative and they generally yield time to other colleagues. Another novelty is the practice of the member in possession of the floor while a particular matter is under discussion yielding time for questions to him. Here, too, members liberally yield time even to those who might put difficult or awkward questions. This betrays a tolerant and democratic spirit among the members. Party spirit does not seem to blur it.

Last but not the least, the Congress is quite aware of its sovereign status and is anxious to keep it free from any inroad from outside—from the Executive. But the trend here, as elsewhere, seems to be that the Executive is getting more and more assertive, although a committee of the Congress could call upon any high official in the Administration except, of course, the President, to come and testify before it and answer its questions. This assertion, however, varies from president to president. Each zealously guards its frontiers.

The Congress is a huge organization with 8,500 employees, of whom 5,300 pertain to the House. Its study is too vast to be covered within a few months or a year. But it is interesting, thought-provoking and instructive. Yet, the Congress considers itself a human institution liable to changes and improvements to fit in with the needs of the time, and periodically reviews its organization, as done in 1946. Currently a report by the Joint Committee on Organization of the Congress with a large number of recommendations is under its consideration.

In this study I have attempted to bring out mainly those points which will be of particular interest to the officials and members of the National Assembly of Pakistan.

The Congress has many things that other legislatures may copy and emulate with advantage. I have thoroughly enjoyed this experience and am grateful to the sponsors and others who have assisted me in fulfilling this mission.

STATEMENT OF HON. ABRAHAM J. MULTER ON THE ELECTION REFORM ACT OF 1966

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, it was my privilege today to present to the Committee on House Administration my views on H.R. 15317, the proposed Election Reform Act of 1966.

The text of my statement follows:

STATEMENT OF HONORABLE ABRAHAM J. MULTER WITH REFERENCE TO H.R. 15317, THE ELECTION REFORM ACT OF 1966, BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, AUGUST 2, 1966

Mr. Chairman, I appreciate the opportunity to present my views to this distinguished Committee with reference to H.R. 15317, the Election Reform Act of 1966.

The very foundation of our American democracy has rested on a system of free elections. It is vital, therefore, that we encourage a high level of public confidence in that system. More than that, we need a greater participation by the eligible voters in our elections. Too often, the average American citizen with an average income is convinced that, as an individual, he cannot make a meaningful contribution to the electoral process.

Potential candidates of modest means are thwarted in their ambitions to seek elected office because they know the high cost of campaigning and their own lack of funds. The only alternative the man of modest means may have is to accept the political liabilities that accompany large contributions from a few "generous" donors.

The time has come when we must reverse this trend. The core of the problem lies embedded within the laws that attempt to regulate campaign contributions and campaign spending. These laws are now obsolete and inadequate. They promote rather than prohibit the political excesses they were designed to prevent.

The Federal Corrupt Practices Act, enacted forty-one years ago, limits Senate candidates to expenditures of twenty-five thousand dollars and House candidates to five thousand dollars. The Hatch Act, passed twenty-six years ago, limits national committees to expenditures of three million dollars. These laws do not limit the number of committees, each of which can raise and spend the maximum amount for each candidate. Worse yet, they do not apply to Primary or pre-convention campaigns at which nominations are made. In many parts of the country nomination is equivalent to election. This applies to both major parties. It is no longer true that only in the South is the nomination equivalent to election. There are still too many places throughout the North where the person who captures either the Democratic or the Republican nomination is guaranteed of election. It is in those places where the practice is growing up of spending unlimited fortunes to capture nominations.

It must be clear that our basic election law is, as President Johnson has so accurately described it, "more loophole than law".

Not only is the present law replete with built-in loopholes but it is also totally unrealistic. No one believes that the political campaign of today can be operated within the old financial obligations. The campaign of forty-one years ago was far different from that of today.

As elected officials, we know the necessity for communicating with our constituents at all times. Our allowances hardly cover the costs of doing that while in office. The necessity of contacting them during a campaign imposes costs that must be borne by the candidate, either in or out of office. To be elected or re-elected, we must be known. The price of getting ourselves and keeping ourselves known in a constantly mobile population in today's political world is extremely high. Television time, radio time, advertising space, literature and mailing are all very costly. The tremendous expenditures of campaigning have made obsolete the ceilings imposed by the Federal Corrupt Practices Act and the subsequent Hatch Act. It is impossible to try to run today's campaign with yesterday's laws. In our attempt to live with these laws, we are gradually undermining the foundations of our free election system.

New legislation in this field has been long overdue. We must seek a better way to finance the American political campaign. The principle of the bill before us is good. In some instances it does not go far enough; in others it goes too far.

While it is well to limit the maximum amount that any one individual or family may contribute to a campaign, it is much more important to limit the over-all expenditures on behalf of a particular candidate. The limitation should be not only on what the candidate spends but on the aggregate that he and all his committees and any and all third parties may spend on his behalf.

I re-emphasize that the limitation must apply to the Primary campaigns as well as to the election campaigns.

Campaigns in which candidates and committees spend upwards of two-hundred and fifty thousand dollars in a single Congressional District are becoming the order of the day. In the past four years there have been any number of Primary campaigns in which the contestants spent in excess of two-hundred and fifty-thousand dollars in order to capture Congressional nominations and there have been Congressional election campaigns where upwards of two-hundred and fifty-thousand dollars was spent on behalf of a single candidate.

This is tantamount to attempting to buy a nomination or an election to Congress. It is revolting and unconscionable.

No Member can afford to fight that kind of a campaign and no contestant without that kind of money can successfully campaign against it. If we continue to permit that kind of expenditure in Congressional campaigns, Congress will soon become a millionaires' club with its seats for sale to the highest bidder.

An appropriate limitation should be fixed by this bill for both Primary and general elections.

I suggest that the amount be fixed at fifty-thousand dollars as the overall aggregate that may be spent by a candidate and any and all committees and third parties on behalf of a single candidate in a Primary or a general election.

To make it effective, however, in addition to the criminal penalties, the law should provide that a candidate forfeits his right to the office if the expenditure is exceeded. If the candidate is nominated, the nomination shall be void, and if elected, he shall be precluded from being seated. The proposed language should be very precise so that it is incapable of misconstruction or misinterpretation. The language should clearly indicate that the limitation includes any and all money spent by or for the candidate no matter by whom.

Section 303 of the bill, requiring statements of compensation to be filed by Senators and Representatives as written confirms the clamor of some of our mass media to destroy the character and reputation of Members of Congress. It gives credence to the invidious connotations deliberately sought to be created by this segment of the mass media that, when elected to Congress for a two-year term, a Member of the House must sever all his business connections and destroy his ability to earn a livelihood on the chance that the two-year term to which he is elected will ripen into a lifetime career.

The strength of our democratic legislative process has been that our legislative bodies have drawn their membership from every walk of American life, that these men and women brought to bear upon their legislative duties their vast experience in every segment of our economy. It was also expected that Members of Congress would continue to pursue these private endeavors while serving as legislators, exercising their legislative judgment in accordance with the knowledge and experience of their daily enterprise. This legislation, to be effective, should reiterate that principle and should do and say nothing that would tend to indicate that there was anything wrong about a Member pursuing his private business or professional career, just so long as every Member continues to do as he has done through the years, by giving priority in time and attention to his Congressional duties.

Section 303 runs directly contrary to the confidentiality imposed by the tax laws with reference to the filing of taxpayer's returns.

If anything like the provisions of Section 303 is required in order to keep Members of Congress honest and ethical, the very furthest we should go is to set up a Committee of Congress which would receive the information on a strictly confidential basis with an authorization to the Committee to take appropriate action whenever it appears that a Member has engaged in improper or unethical activity.

I can understand how some people might claim that the public has a right to know the aggregate income earned by a Member of Congress from outside sources and the source of that income. We certainly should go no further than that.

There certainly is no excuse because of mass media pressures to enact Section 303 in its present form and then to provide, as it does in Section 304, that this information be opened to public inspection.

Again, thank you for the opportunity to present my views.

OUR ABLE AMBASSADOR TO JAPAN RESIGNS

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, Edwin O. Reischauer became Ambassador of the United States to Japan in 1961. It was my great pleasure to meet Ambassador Reischauer on several occasions during my official visits to Tokyo as a representative of our Government.

He is one of the finest Ambassadors our Nation has ever had the good fortune to have representing us anywhere. We are particularly fortunate that he represented our Nation in Tokyo where he was born.

Ambassador Reischauer speaks Japanese fluently and is married to a lovely

Japanese-born lady who also deserves the thanks of a grateful Nation for the goodwill she has engendered for us.

Ambassador Reischauer's resignation brings to a close a distinguished diplomatic career; his knowledge of Asia and its people is outstanding. During his stay in Tokyo a new period of great changes in Japan and in its relationship to the world took place. The tact and subtlety of Ambassador Reischauer made this transitional period one of great advantage to both countries. When he returns to Harvard he will leave behind an acute awareness of the community of interests between the United States and Japan, something which did not exist when he took over our Embassy there.

I know that I express the thoughts of all of our people when I wish him the very best in his return to the academic world. I know also that our Government will profit much by the example he set.

ADDRESS BY HON. WILBUR J. COHEN BEFORE AMERICAN ASSOCIATION OF WORKERS FOR THE BLIND

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, blindness is increasing in the United States at an appalling rate. As pointed out by Under Secretary Cohen in the address that follows, between 1940 and 1960 the population in this country increased 36 percent while the blind population increased 67 percent.

I believe that the increasing enormity of this problem calls for immediate action by the Congress. The first step that should be taken is the passage of my bill H.R. 12534, to establish within the National Institutes of Health, a National Eye Institute to conduct and support research and training relating to eye diseases and visual disorders.

This has already been accomplished for the hard of hearing and the deaf and we can do no less for the blind.

I commend to the attention of our colleagues the address delivered by the Honorable Wilbur J. Cohen, Under Secretary of the Department of Health, Education, and Welfare, before the National Convention of the American Association of Workers for the Blind on July 25, 1966:

NEXT STEPS FOR THE BLIND

(By Wilbur J. Cohen, Under Secretary of Health, Education, and Welfare)

It is a pleasure to be here today to participate in your National Convention. Your organization has done so very much to open up new opportunities for those who are afflicted with blindness. Through your understanding of the problems of blindness and your initiative in applying remedial services, many a blind person's life has been made much brighter.

Our Nation is making continued progress in raising the quality of all of our citizens' lives—the children, the aged, the sick, the handicapped, the uneducated, and the deprived, and we are extending their ability to choose how to make the most of their lives. I think this is particularly significant for the blind and the disabled. They are being provided more opportunities to be productive and creative through opportunities for employment and other satisfactions of life—but we believe that more must be done to really provide them with equal opportunity.

Today, I would like to discuss with you some of the problems of blindness, the progress that has been made and what still can be done to alleviate, and hopefully, to eventually eradicate this disabling condition.

EXTENT OF PROBLEM

Unfortunately, the incidence of blindness is increasing in this country. Between 1940 and 1960, the percentage of blind persons in this Nation increased much more rapidly than the population in general. In contrast to a general population increase of 36 percent, the blind population increased some 67 percent. In just one year alone, 1964, 31,800 people first became afflicted with blindness.

Today, in the United States, there are about 400,000 blind persons and 3,500,000 persons with only partial vision. About one million people have a visual impairment severe enough to prevent them from reading a newspaper. Cataracts, glaucoma and diabetes account for about one-half of the blindness in this country—and the sad thing is that much of this blindness could be prevented through early detection and treatment.

There are about 70 million persons over age 40 with a visual problem; it is estimated that this number may rise to 80 million by 1980. There are about 56 million children under age 15 with visual problems and it is estimated that this number may increase to 75 million by 1980. Thus, it is important that we mobilize all of our resources to cope with this growing incidence of visual defects.

RESEARCH

In the face of this rising tide, one of our great hopes is research. The job has really just begun. In 1951, the year that the National Institute of Neurological Diseases and Blindness was established, less than $500,000 per year was being spent on eye research.

The most serious problem, then and now, was and still is, the shortage of scientific manpower in the field. For this reason, strong emphasis was given to research training.

In spite of the serious deficiencies in scientific manpower in this field, the growth of opthalmic research supported by NINDB has been substantially growing, from a little more than $500,000 per year in 1955 to $12.5 million in 1966. In 1965, of a total of $16.7 million available from all sources for eye research, 65 percent—nearly $10.8 million—was from the NINDB, 24 percent from other Department of Health, Education, and Welfare sources (including NIH), 5 percent from other Federal sources, and 6 percent from private sources.

Another problem, in addition to the shortage of trained manpower stems from the multidisciplined nature of modern research related to the problems of blindness. Only recently have the special talents of the physiologist, biochemist, immunologist and anatomist been brought to bear on the problems of blindness.

We know, for example, that glaucoma and cataracts are associated with the aging process, while many of the children's eye disorders are related to neurological disorders. The development of an effective rubella vaccine (german measles) will prevent thousands of cases of blindness. The discovery that another infective, toxoplasmosis, afflicts hundreds of infants causing uveitis, paves the way to finding the cure or an effective preventive.

There are additional steps which we believe are necessary in the immediate future to further strengthen the national eye research effort:

(1) Training: We propose to establish, through the NINDB a program of career teacher-investigator awards in ophthalmology. These awards will be for the support of full-time academicians in selected medical schools. At the present time, many of our university medical centers are lacking the necessary full-time staff required to develop strong research and training programs in ophthalmology.

(2) Program Leadership: We will establish within the NINDB a special national advisory committee with a subcommittee on vision research and training. This subcommittee will be the focal point for leadership in the national eye research program.

(3) Research Centers: We will provide the means for the early establishment of 3 or 4 national eye care research centers which will be built into existing eye research programs. The funding for these programs will come from the NINDB and other programs of the Public Health Service which support clinical services and community demonstration projects. The concern of these centers will extend beyond the usual basic and clinical research to include studies of the extent and distribution of eye disorders; the standardization of methods of screening and evaluation; and the early recognition of eye defects. They will serve as focal points not only for research and training but for innovation and demonstrating the most effective means of preventing, curing or treating eye disorders. Once effective measures are found, we will bend every effort to expedite their widespread application by opthalmologists, optometrists, and others concerned with eye care.

There are numerous other exciting developments in the field of medical research dealing with the eyes that I could discuss with you if there were more time.

MEDICAL AND PUBLIC HEALTH SERVICES

If we are going to conquer the problems of blindness, however, we must step up our efforts to close the gap between the discovery of modern medical miracles and their availability to the public. Through improved health services the knowledge gained from research can be gainfully applied. Periodic eye examinations and screening programs would detect visual problems in the early stages and with early treatment cut the chances of the development of a serious eye condition. The promotion of safety measures would help prevent many of the accidental eye injuries that occur unnecessarily each year.

The use of TV, radio and other kinds of mass communications media in a lively campaign to educate the public about the importance of eye care would help us gain on the growing seriousness of the problem.

As in other fields of health and medicine, we need more trained health personnel—ophthalmologists, optometrists, and allied health personnel. And we need more conveniently located medical facilities and services.

Although we are making some progress through new Federal programs to increase the number of medical personnel, we must do even more to increase the number of trained health workers and to upgrade the skills of those presently at work. To deliver the services that are needed we must make more efficient use of the manpower we already have and through group practice, to use our medical and paramedical personnel more effectively. Within these group practice clinics and neighborhood health centers, we need conveniently located community eye clinics and many of them. We could

use mobile eye clinic units to reach the people who for some reason or another cannot get to the community facilities. And we need more eye pathology laboratories. We must have services available for the people who need them, where they need them and when they need them. We must take all possible steps to see to it that the modern medical discoveries are available to people throughout the country.

The reorganization of the Public Health Service which is now taking place under the Surgeon General is explicit in its recognition of the need to more rapidly apply our knowledge. Two Bureaus—the Bureau of Disease Prevention and Environmental Control and the Bureau of Health Services will be actively engaged in this effort.

VOCATIONAL REHABILITATION

One of the most encouraging developments in our society has been an increased awareness and understanding of the problems of blindness and of the handicapped, in general. And concerted efforts are being made to deal with these problems more effectively.

There was a time, not too many years ago when the general attitude was pity and rejection for the blind or disabled; when people thought they should be taken care of, but it was the general view there was not much more you could do for them. They were left alone and isolated from the community. Helen Keller's often quoted remark, "Not blindness, but the attitude of the seeing to the blind is the hardest burden to bear," illustrates the general attitude of the past.

We have come a long way in our thinking. Now, the idea that a handicapped individual can be helped and restored to an active, productive and satisfying life has caught hold. It is the individual's capacity and motivation not the handicap that counts. Just last year this concern was demonstrated in the enactment of the Vocational Rehabilitation Amendments which were an important step forward for the millions of disabled persons who can be restored to useful lives through modern rehabilitation methods.

Many more disabled persons now are being given the opportunity to return to productive lives—as breadwinners or in family pursuits. A year ago, the number of blind persons rehabilitated into employment through the vocational rehabilitation program was 5,450. This year the number will be substantially more; and the continued effort will be relentless until we rehabilitate every blind person who wishes to be rehabilitated.

Last year these people were rehabilitated into a number of different kinds of jobs. More than 1,400—over 25 percent—went into homemaking or family work. Three hundred and twenty-seven went into professional occupations; twice that many into managerial work. More than 700 found employment in service occupations—the fastest growing category. About 350 became skilled workers. The clerical and sales field took some 600. The remainder went into less skilled jobs, agriculture and sheltered workshops.

More is being done, also, to develop and widen job opportunities for blind persons. Take, for example, the specific action sponsored by your Association and the Department of Health, Education, and Welfare to give the highly useful program for home teaching of the blind added impetus. This program will greatly help newly-blinded housewives to meet their home duties and responsibilities.

In September 1963, Western Michigan University admitted the first eight students to a training course for home teachers of the blind. The course was developed from a joint project undertaken by the Department and your Association to study practices in home teaching and make recommendations for such training at the college level.

This coming September, the Vocational Rehabilitation Administration's Division of Training will support a new short-term training endeavor at Western Michigan. Qualified home teachers of the blind, rehabilitation counselors, and newly-added home demonstration agents from the Department of Agriculture, will enlarge methods of giving direct help and guidance to newly blinded housewives. They will also explore ways of organizing a community—its churches, schools, family service organizations, visiting nurses, and other groups able to assist and counsel housewives when blindness strikes.

Blind persons, too, are penetrating the professional labor market. Last year well over 300 blind persons were rehabilitated into professional employment through the public program.

Today, more than 2,000 blind persons are enrolled in some 400 colleges and universities, training for various professions. About 95 percent of them are getting Federal support, which is a substantive indication of the combined efforts of all of us to raise the sights on employment.

For the last two years, the University of Cincinnati Medical School has conducted classes in computer operations for blind persons. These students are so well trained that they have had job offers before completion of their courses.

The Vocational Rehabilitation Administration is negotiating with a trade-technical school in Virginia for the training of blind people in the operation of equipment used in the manufacture of cotton and wool products. The endeavor now has the cooperation of one of our larger cotton mills. It is believed that procedures will be worked out whereby large numbers of blind persons can be placed, after proper training, in textile plants throughout the country. The project principles are based on the fine results of a similar program in Israel, developed through a VRA-supported grant in its international research program. Through this domestic effort, the VRA is moving into widespread activities to train blind people in the operation of modern industrial machinery.

Another interesting endeavor along this line is that of the North Dakota School of Science, which is training and placing blind machinists. It is an operation that has excited national interest. In several states there is new activity in creating or expanding trade-technical schools. Georgia is moving strongly, as is Alabama, and other states.

Federal help is available, too, for construction of workshops and other facilities by public or voluntary agencies. There is help for existing workshops to improve their business and plant operations, and there are other grants for aiding workshops to improve their self-image.

A competent workshop will help us determine also how a blind person, perhaps with emotional problems or other handicaps, will respond to job situations, to closed and competitive situations with other people and how he can be taught individually to adapt to the world of work. We hope that the hundred or more workshops now serving the blind will be increased.

All of us realize that the success of rehabilitation of blind people is directly related to their adjustment and their ability to move about. It was through the VRA that the mobility program got its start at Boston University and Western Michigan. The concept of training instructors in mobility has been highly successful as far as it has gone. But, there is a critical need for at least a doubling of this program as well as increased facilities in the Office of Education for mobility measures for blind children.

We should also note the advancements in the nationwide vending stand operation for blind people. There are now some 2,600 stands in operation with gross sales of more than $60 million. They provide employment for thousands of blind people. The number of blind operators may be tripled in a few years, with a commensurate increase in gross sales.

To do a good job in vocational rehabilitation, though, we must meet the critical need for trained instructors and teachers. In this area, as well as in the field of health and education generally, we must step up our efforts to recruit and train personnel if we are to attain our goals.

EDUCATION

In addition to the need for health services and vocational rehabilitation there is the basic problem of providing an adequate education for blind people so they can become self-supporting citizens. In the past, we have neglected basic education, as well as vocational education. This problem has been particularly critical in the rural areas.

We must explore new teaching methods and devices that will help the blind to compete on an equal footing with the rest of us. We need to print more books for the blind—interesting and stimulating books. There are many areas of the country that just do not have adequate teaching materials of any kind for the blind.

One of the most seriously neglected groups in our nation has been the multiple handicapped child. Being blind is a serious enough handicap by itself but when this is combined with another serious impairment—mental retardation, deafness or epilepsy—the situation has been considered almost hopeless. Somehow we must provide more effective help and opportunities for these children. It may take a team of experts but we must face this problem.

INCOME MAINTENANCE

Significant progress has been made in providing income to the blind under the major public income maintenance programs. There are about 175,000 blind persons receiving aid under the public assistance programs. There are approximately 60,000 blind persons receiving disability insurance benefits under the Social Security program.

The 1965 Amendments to the Social Security Act made a number of changes that will directly benefit the blind. The eligibility requirements for payment of disability insurance benefits under the Social Security program were liberalized, and even more important were the establishment of the Medicare program (Title XVIII) and the new medical assistance program (Title XIX), and major improvements in maternal and child health and welfare services (Title V).

The new medicare program will help finance the major costs of medical care for all of our nation's elderly people, including elderly blind and disabled citizens. This new program will help to remove the financial barriers to high quality medical care for our older citizens.

The new medical assistance program under Title XIX will also serve as a major vehicle for bringing better health care to many of our citizens. This new Federal-State program will provide comprehensive health care for the needy and the medically needy—including the blind, the disabled, the aged and particularly, children. States may now receive Federal aid for an improved medical care program which will replace the medical assistance that has been provided under the five separate public assistance programs. By 1975 the program should provide comprehensive care for virtually every person who cannot afford to pay for the medical care he needs.

The new Medical Assistance program will help to bridge the gap between the need for

medical care and the availability of such care. States must provide comprehensive care—including diagnosis, treatment and restorative care to people who are already receiving public assistance as well as to those people who are medically needy. States may also make services available to children in low income families up to the age of 21 and to a mother with a dependent child whose father is dead, disabled, absent from the home or unemployed. There is a tremendous opportunity to improve the medical programs under public assistance that in the past have been fragmented and uncoordinated.

Thirteen states have already been approved for medical assistance programs under Title XIX and other state programs are in the process of development.

Children will also serve to benefit from the important changes that were made in maternal and child health and crippled children's services (Title V). The 1965 amendments set up a five year grant program to improve the health care of school age and preschool children, especially those children in low income areas. A whole range of services can be provided—screening, diagnosis, preventive services, dental care, remedial care and treatment. Vast opportunities will be provided for the screening and diagnosis of eye conditions of young children, and for the treatment and correction that is needed.

For the first time, many children who have had eye examinations in school who were found to have visual problems, but who could not afford glasses or preventive treatment will have a chance to get them.

CONCLUSION

All programs in the Department of Health, Education, and Welfare constitute a united front against the encroachment of adversity; the effects of deprivation; and the misfortune of ill health, and injury. The President has called the Department of Health, Education, and Welfare, "The Department of the People". For in most of our programs, we deal directly with people—those who need help in material things, those who need council and advice, those for whom the products of research will prevent, alleviate, or cure illness, and those who need health and rehabilitation services.

But we are not content with our present efforts and solutions. We know that many handicapping conditions that cause people to fail in later life could be detected and corrected at an early age. Bold and innovative measures which would bring the resources of the schools and community to bear on these problems at early stages would serve to benefit the child as well as the entire community and Nation. President Johnson has stressed the need for an expansion and improvement of comprehensive health, education, and related programs for children whose growth is impeded. Recently, the President asked Secretary Gardner to set up a Task Force on Handicapped Children and Child Development to study the Department's goals and policies that affect handicapped children. The task force, under the chairmanship of the Assistant Secretary for Individual and Family Services, Lisle C. Carter, Jr., will review all the existing programs—and consider action to assure that they are serving the interest of these children with special needs. The task force will be particularly concerned that these programs are being implemented with the best and newest techniques that are available for helping the handicapped.

Yet, to get the greatest effect from our programs, we work with groups such as yours. Without you we could not reach those who need help. We have an intense interest in involving citizens and institutions in the work of government; in what President Johnson calls "Creative Federalism" by which he means a creative partnership between the Federal government and state, local and nongovernmental institutions and agencies.

This is where your people are so important, to provide the grassroots vitality where it is needed.

I believe that the time will come when each of our citizens will have ready access to the blessings of the latest medical services, as well as to all the education and training he needs to develop his talents and capabilities. I believe the time will come, and soon, when each person, whether he be reasonably sound in mind and body, or blind, deaf, sick, injured, malformed, retarded, emotionally ill, or otherwise handicapped, will have equal opportunity for employment and for living at the height of his capacities.

Those are the purposes of the legislation that has been recently enacted for better educational opportunities; for Medicare; for Regional Medical Programs; for improved social security and welfare provisions of the Social Security Act; for amendments to the Vocational Rehabilitation Act; and the Older Americans Act. All of them are rather specific, but all of them have implications for our joint effort to help people. And I promise you that President Johnson, Secretary Gardner and I shall do our utmost to support your efforts to help the blind citizens of our nation.

LOCALITIES SHOULD BE REIMBURSED BY THE FEDERAL GOVERNMENT FOR LOSSES BECAUSE OF THE TAX-EXEMPT STATUS OF FOREIGN RESIDENCES AND OFFICES, OR BECAUSE OF THE VOLUNTARY WAIVING OF SUCH TAXATION BY LOCALITIES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. WOLFF] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLFF. Mr. Speaker, I am today introducing legislation to authorize payment to local governments by the U.S. Government to reimburse them for the real property taxes lost because of diplomatic tax exemption or because of the voluntary waiving of taxation on real property owned by foreign governments.

Among the privileges granted to diplomatic representatives of foreign nations by the States and by the United States on property owned by foreign governments is freedom from real property taxation by localities on ambassadorial residences and offices. Obviously, such tax losses to localities are a problem peculiar to metropolitan areas like New York and Washington where foreign missions are maintained.

I think that if it is in the national interest of the United States to grant such tax exemptions to foreign governments, then it is equally in the interest of the United States to reimburse the localities involved for such losses. The city of Glen Cove, located within the congressional district I represent, has recently acceded to the request of United Nations Ambassador Goldberg to waive real property taxes on an estate which is a weekend retreat for the Russian representative to United Nations. The substantial sums of $30,000 and $10,000 annually will reportedly be lost to the city and to Nassau County respectively.

My point is that if such a tax loss is in the interest of the United States in our relationships with foreign nations, then such tax losses should be borne by all the people of the United States and should not be a penalty to be borne only by the community which the foreign nation selects for an office or residence.

Further, such reimbursement should be made not only to communities within which a clearly tax-exempt facility is located, but also for those communities like Glen Cove who generously and unselfishly waive their clear rights to such taxation when requested to do so by the U.S. Government in the greater interest of the United States and her position among the other nations of the world.

NEW STAMP TO COMMEMORATE 25TH ANNIVERSARY OF SAVINGS BOND PROGRAM

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GREIGG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GREIGG. Mr. Speaker, I call the attention of my colleagues to a significant event which occurred Thursday, July 28, at the White House. The East Room in the White House was the setting for an impressive unveiling ceremony of a design for a postage stamp which will honor and pay tribute to our men in military service and, at the same time, commemorate the 25th anniversary of the savings bond program. I am proud to say the first issue of this patriotic stamp will be in Sioux City, Iowa, October 26.

The fact that gave this unveiling ceremony unusual significance was the story behind the unveiling. The story is told very well in an excellent article published in the Washington Star July 24, and written by Mr. Belmont Faries. Mr. Faries' article is as follows:

THE KIDS GET THEIR STAMP

(By Belmont Faries, Star Stamp Editor)

The kids at North Junior High School in Sioux City got the good news from their Congressman last week—their six-month, 100,000-signature campaign for a stamp honoring American servicemen had succeeded.

They didn't get exactly what they asked for: an American Flag design with "American Servicemen, We Salute You!" across the white stripe directly beneath the blue field.

But they came close enough. The theme they suggested will be incorporated into the design of the already announced commemorative for the 25th anniversary of the Savings Bond program.

The compromise had been proposed by Representative STANLEY L. GREIGG, of Iowa's Sixth District, which includes Sioux City.

The campaign began last January, at a time when there was quite a bit of publicity about

college students burning draft cards. Originator of the idea of a stamp expressing support for American servicemen apparently was Robert M. Shockley, a geography teacher at North Junior, who has served as a public-relations adviser for the students. The work has been done by the students themselves, some 600 of them.

BILLBOARD IS FIRST STEP

First step was renting a billboard in Sioux City to publicize the proposed stamp design. This was financed by the school's Patriotism Committee, which charged students 10 cents for the privilege of writing their names, at the edge of the flag. As interest increased, donations were made by various civic and service clubs to maintain the billboard.

A formal request for a stamp in the billboard design was sent to the Post Office Department, and it was backed up by hundreds of letters. Representative GREIGG's aid was enlisted, and when Postmaster General Lawrence F. O'Brien visited Des Moines on Feb. 25 for a Democratic fund-raising affair a delegation of students gave him a petition which had been signed by 50,000 persons in a three-week period. The figure later went to well over 100,000.

BILL INTRODUCED

In February, the program, which the students called "Operation V.I.P.," was expanded to include the sale of decals in the flag design to raise funds for posters to be sent to military installations throughout the world.

On March 23, Representative GREIGG introduced a bill, mostly for the record, to provide for the issuance of a special 8-cent air-mail stamp printed in red, white and blue in the flag design with the "American Servicemen, We Appreciate You!" legend, to continue on sale as long as American servicemen were engaged in hostilities in Viet Nam.

As a matter of congressional policy, no such bill has been passed since 1948, but this didn't discourage the North Junior High students from arranging for a billboard at 9th and E Sts. NW in Washington, as close as they could get to the Capitol, for the message "Congress, please pass H.R. 13927, North Junior High School, Sioux City, Iowa."

COMPROMISE SUGGESTED

When it became obvious to Representative GREIGG that the Post Office Department was not going to add a stamp to its already full program, he suggested a compromise: Why not incorporate the North Junior High theme in the already planned Savings Bond design? The Postmaster General liked the idea, and in a letter dated June 15 promised immediate and serious study, adding that the idea had been brought to the attention of President Johnson and that "the President—all of us—are very proud of the efforts of the students in Sioux City and of the national support they have received for the patriotic idea that they initiated."

Representative GREIGG has told the students that the design of the stamp will be unveiled in Washington in the very near future and that they will be represented at the ceremony. He has asked the Post Office Department to issue the commemorative at Sioux City in the fall.

Mr. Speaker, four young North Junior High School students—Pixie Moughan, Nancy McLagan, Becky Crim, and Gary Roberts—who promoted the theme of this commemorative stamp were in Washington to attend the unveiling ceremony. I am sure that the thrill of this Presidential ceremony was payment enough for the strenuous efforts these students and their teachers put forth in their drive to have this stamp issued. But I would like once more to commend them and the many others in my district who assisted them for the constructive, lasting method which they have used to demonstrate their faith in and respect for our servicemen.

Mr. Speaker, I would also like to commend the Postmaster General for his perception in recognizing the worth of this commemorative stamp theme and to express my personal thanks to President Johnson for his remarks made during the unveiling ceremony. Those remarks were:

AMERICAN SERVICEMEN AND SAVINGS BOND ANNIVERSARY STAMP

(The President's remarks at the unveiling ceremony for the new 5-cent stamp, July 28, 1966)

Postmaster General O'Brien, Congressman GREIGG, distinguished students, Members of the Cabinet, Members of the Congress, ladies and gentlemen:

Today we have come here to unveil a new postage stamp which embodies the spirit of the American people and carries their voice to the entire world.

It began as an idea and a conviction shared by a group of junior high school students in Sioux City, Iowa. I welcome some of those students to the East Room here today.

These young Americans felt that there should be a postage stamp telling our servicemen how much we appreciate their sacrifices. They pooled their nickels and their dimes and they rented a billboard in Sioux City and another billboard here in Washington. Those billboards showed the American flag and the message: "American Servicemen, we appreciate you."

Last February, when Postmaster General O'Brien was in Des Moines, Congressman STANLEY GREIGG and the Sioux City students presented him with stamp petitions containing more than 50,000 names. A month later there were another 50,000 names added—and the list continued to grow as students from all over the country picked up the idea.

Congressman GREIGG suggested that this message for our servicemen be combined with the Savings Bond Anniversary Stamp.

I think the result of that suggestion is excellent. There is no better way for us to support our fighting men than to buy savings bonds. And that is just what the people of this country have been doing.

Since the increase in the interest rate on savings bonds last February, the total bond pledges have already increased more than 11 percent.

And thanks to the magnificient work of the Postmaster General and his very excellent staff, our Federal Government signed up in this movement as a result of this effort.

A 2-month campaign that ended June 30 has secured Federal employee pledges of $416 million for 1966—twice the amount that we had at the start of the drive. More than 800,000 additional Federal employees have been signed up in this movement as a result of this effort.

Seventeen departments and agencies pledged up to 90 percent or better, and thus qualified for the Minuteman flag. There will be one here in the White House, I am proud to say. Our employees had 100 percent participation. I am grateful to each of them for helping us in this effort.

Twenty-nine other departments and agencies signed up betwen 75 percent and 89 percent of all of their employees.

Now this is a very remarkable achievement. But I hope that none of us look upon it as final. The heads of all departments and agencies I would hope would try to maintain this momentum. Federal employees just should set the example by investing in their country's future.

Before I unveil the stamp, I should like to announce that when it goes on sale in Sioux City next October 26, it will also go on all White House mail for the duration of the issue.

We are very proud of these servicemen who daily risk their lives at freedom's gate. And we want every single one of them to know that we support them in the magnificent job that they are doing throughout the world.

With the issue of this stamp, millions of American voices will go up in unison. They will be voices that no number of demonstrators will ever be able to drown out.

I commend them to any and all who would doubt the purpose or the resolve of the United States of America.

For these voices mean that we are a nation of our word—that we are proud of the brave Americans in uniform who back our words with deeds.

Thank you very much.

(NOTE: The President spoke at 12:05 p.m. in the East Room at the White House. The stamp was designed by Stevan Dohanos, who based his design on a news photograph by Bob Noble, showing the American flag with the Statue of Liberty in the background. It will carry the inscriptions, "We Appreciate Our Servicemen" and "United States Savings Bonds, 25th Anniversary.")

Mr. Speaker, Mr. Belmont Faries penned a second article in the Washington Sunday Star of July 31 in which he outlined in a splendid fashion the ceremony and the details of the actual design of the stamp. I am indeed pleased to include that article in the RECORD at this point in my remarks:

BONDS AND SERVICEMEN

(By Belmont Faries, Star stamp editor)

An American Flag flying in front of the Statue of Liberty provides the design for the 5-cent commemorative for the 25th anniversary of the Savings Bond program.

The design, made public by President Johnson at a White House ceremony, Thursday, includes the words "We Appreciate Our Servicemen," thus incorporating an idea urged by students at North Junior High School, Sioux City, Iowa.

The stamp will be placed on sale at Sioux City on Oct. 26.

The students opened their campaign for a flag stamp with the legend "American Servicemen, We Appreciate You!" last January with a billboard in Sioux City and later one in Washington. They also presented the Post Office Department with petitions carrying more than 100,000 signatures and stimulated a flood of mail backing the proposal.

When it became obvious that the Post Office Department was not likely to add such a stamp to this year's program, Representative STANLEY L. GREIGG, whose Sixth Iowa District includes Sioux City, suggested a compromise that the idea of honoring servicemen be incorporated in the design of the already announced Savings Bond stamp.

The design released Thursday is the work of Stevan Dohanos, one of America's best-known artists and a member of the Postmaster General's Stamp Advisory Committee. It is his sixth stamp design in seven years and his third to include an American Flag.

Dohanos based his design on a photograph of a flag with the Statue of Liberty towering in the background, which was made by Bob Noble and appeared in the New York Herald-Tribune of Oct. 29, 1961.

The legend "We Appreciate Our Servicemen" at the top is in red, the "U.S. Savings Bonds" at the bottom in blue, and the "25th Anniversary" beneath it in black. The denomination at lower right is in red. The flag is red and blue, the Statute black against a pale blue sky.

The stamp will be printed at the Bureau of Engraving and Printing by a combination of offset photolithography and recess engraving, with the dark blue lettering and light blue sky printed first by lithography and the dark blue of the flag, the red of the stripes, denomination and lettering and the black of the statute added in a pass through the Giori press.

Engravers were Edward R. Felver for the vignette and Howard F. Sharpless for the lettering.

Addressed covers for first-day cancellation may be sent to the Postmaster, Sioux City, Iowa 51101 with remittance for the cost of the stamps. The outer envelope to the postmaster should be marked "First Day Covers 5c Servicemen-Savings Bonds Stamp" and must be postmarked no later than Oct. 26.

In conclusion, Mr. Speaker, I first called this project to the attention of the Members back on April 7. I ended my remarks at that time with a statement that I consider most appropriate today:

The purpose of this stamp will be singular. Its meaning clear. To express time and time again the appreciation of the American people for those who sacrifice their all in defense of this nation and freedom throughout the world.

FEDERAL REGULATION OF GOOSE HUNTING IN WISCONSIN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, not so very long ago—in the fall of 1941 to be exact—a game warden at Horicon Federal Wildlife Refuge in central Wisconsin wrote in his diary that "200 Canada geese flew over the Horicon Marsh—and one stopped."

Last fall 120,000 stopped and because of the mild winter in Wisconsin nearly spent the winter at this small Federal refuge which never was intended for geese and which can accommodate a maximum of 50,000 geese at one time.

This tremendous overconcentration of geese in what was intended to be a duck refuge poses extremely difficult and complex problems for State and Federal game management people as well as to many hunters, conservationists, farmers and residents of the Mississippi Valley flyway in the States of Wisconsin, Illinois, Minnesota, Michigan, Indiana, Ohio, Iowa, Missouri, Louisiana, Arkansas, Kentucky, Tennessee, Alabama, and Mississippi.

This spring, the Bureau of Sport Fisheries and Wildlife decided to attack two problems at once: Reduce the Horicon goose population to its 50,000 capacity and increase the Mississippi Valley flyway flock to 300,000 wintering birds. These are highly admirable but contradictory policy goals. How do you raise the population of the entire flock at the same time that you are trying to decrease the number of birds which stop at Horicon?

The Bureau has made certain proposals on how it intends to pursue these goals which affect all States through the flyway and since they are of such broad interest and concern, Congress should take a close look at them, how they are implemented this fall, and what course of action should be followed in the future.

The present flock is made up of about 200,000 birds which winter in a refuge in southern Illinois. In order for this flock to maintain its present size, the annual harvest should be limited to 50,000 birds. The Bureau contends this harvest has been exceeded in recent years and that the overkill not only prevents the flock from growing any, but it also may drastically cut the size of the flocks, particularly as more and more geese are killed by Canadian hunters before the flock enters the States.

The Bureau contends that if the flock were increased to 300,000 wintering birds there could be a safe annual harvest of 100,000 birds providing even greater hunting opportunities to sportsmen in the flyway.

As the flock, which summers on Hudson Bay, migrates south, its main body comes through Canada and Wisconsin ending up in Illinois where it has for the past few years spent the winter. Parts of the flock do cross other States in the flyway. The size of the kill has been limited by agreement between the States involved. Each year a quota has been set for Wisconsin and Illinois by the flyway council. In Wisconsin and Illinois the Secretary of the Interior has established a quota zone covering the area where most of the kill usually takes place. When the alloted quota of geese has been taken within this quota zone the season within that geographic area is closed. The goose seasons in the rest of the State remains open for the remainder of the 70-day goose season and previously no effort has been made to limit the harvest or even closely count the number of geese shot outside the quota area.

The Bureau of Sport Fisheries and Wildlife has become increasingly concerned about the kill outside the quota zone and one of its proposals this year is based on the belief that too many birds are killed outside the present quota zones, contributing to the heavy overkill.

The Bureau is debating whether to first close the season in the entire State when the Wisconsin quota is killed within the quota zone. This could result in a 10-day goose hunting season throughout the State of Wisconsin this year; and, second, close the quota zone when a percentage of the Wisconsin quota is killed within the zone. This would restrict the amount of hunting within the area around the Horicon Marsh significantly and could increase the attraction of the Horicon Marsh area as a haven for geese which feel gun-pressure outside the zone. The Bureau is also considering increasing the size of the quota zone area to further reduce the kill after the quota zone is closed.

The quota expected to be established for Wisconsin will be somewhat larger than last year—perhaps 14,000 or 15,000. However, if the regulations being considered to reduce the kill are applied and succeed in holding the kill to the assigned quota, it will have a seriously adverse affect on many Wisconsin hunters. I, therefore, believe, it is desirable, particularly if stringent regulations are to be applied, to set the quota at a realistic figure, perhaps at 20,000 to 25,000 birds in Wisconsin, to give all Wisconsin hunters a fair opportunity to hunt geese this fall.

The two proposals to limit the kill in Wisconsin, after all, do depart significantly from past policy and it would appear desirable to apply the change in policy gradually.

Furthermore, any tinkering with the quota zone is likely to increase pressure that Congress enact a Federal crop damage law.

Since the refuge can only adequately handle 50,000 birds, the remaining geese are likely to fly into neighboring farm areas foraging for food. The problem is aggravated if the season is shortened in the zone or the zone enlarged. This makes the farmer whose corn crop is damaged understandably annoyed, and there has been a growing sentiment among these farmers for a Federal crop damage law. They argue that since the management—or the attempts at management—by the Federal Government are at least partially responsible for the depredation problem, it is logical that the Federal Government should pay for the resulting crop losses.

The Bureau of Sport Fisheries and Wildlife is opposed to any such law. When I was discussing this with the Bureau I asked them why they oppose a crop damage law. They said it would set a bad precedent. "After all, we don't have a crop damage law for grasshoppers," I objected that they did not manage grasshoppers; to which they replied: "Some think we manage grasshoppers as well as we manage geese."

Their point is that it is hard to say at what point game damage can be attributed to actions of the Federal Government instead of mother nature. But they have other reasons, too. It would be very difficult and costly in terms of dollars and available manpower to enforce, as, indeed, the Wisconsin Conservation Department has discovered with a similar law recently passed by the Wisconsin State Legislature. Furthermore, some crops may be planted intentionally to attract birds to the farmer's hunting blinds.

Finally, if such a law were instituted and a government economy drive were undertaken there would be pressure to reduce the size of the flock to prevent further expenditures on crop damage claims regardless of the effect such a reduction would have on hunting. However, this is certainly one of the prime areas that we in Congress should watch. It may be that despite these objections some sort of depredation law will be necessary.

I feel Congress bears a responsibility to insure that reasonable decisions are made on the size of the quota zone and certainly the percent of the quota killed before the zone is closed this year. The results of this year's hunt should be watched to insure that an improved system be established for next year if this should prove necessary.

It can be seen from this brief analysis that the proposals for changes in the quota system, though aimed at reducing the overkill, may actually contribute to increasing the number of birds that stop at Horicon.

These proposals all imply the priority of increasing the total flock over decreasing the Horicon flock. The Bureau's suggestions for reducing the Horicon flock are independent of quotas and shootings, and involve a series of proposals for "hazing" the geese, buzzing and herding them with airplanes, eliminating supplemental feeding, early harvesting of surrounding grain crops—and a major and commendable program by the Wisconsin conservation department to increase and improve game refuges in other parts of the State.

This aspect of the program, perhaps more than any other, deserves the close attention of Congress. The birds that come to Horicon are a natural phenomenon—a wonder of nature—that attract hundreds of people as spectators. Professional gamemen admit they have limited knowledge of the reasons for changes in geese migration patterns—and Congress has a duty to insure that the hunters, landowners, conservationists, farmers, and others throughout the Mississippi Valley flyway who are interested in geese, are taken into account by the professional game management people while they try to alter the existing migration habits of the Mississippi Valley geese.

For these reasons I have asked my distinguished colleague from Michigan [Mr. DINGELL], who handles these matters in the Subcommittee on Fisheries and Wildlife Conservation, to hold public hearings early this month before the final regulations are decided upon. The subcommittee held similar hearings last year on ducks which proved useful and hope that a study of the situation facing the geese can be started this year.

I am now advised he will consider the subject of this year's goose hunting regulations in hearings the second week in August. I am sure Wisconsin hunters, conservationists, and farmers will take advantage of this opportunity to be heard on a subject near and dear to them.

Finally, I believe the goals of increasing the size of the flock and reducing the concentration of geese at Horicon have wide support in Wisconsin. We all are interested in working out the problems that must be resolved if the Mississippi flyway flock and goose hunting generally is to prosper in the years. The perpetuation of this great flock of geese is a matter of considerable concern among the several States, and Congress has a duty to oversee its management. I am pleased to see steps being taken in that direction in this Congress.

SOUTH BEND (IND.) TRIBUNE URGES CONGRESS TO APPROVE HOUSING SECTION IN CIVIL RIGHTS BILL

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I believe one of the most significant newspaper statements I have seen anywhere on the civil rights bill which the House of Representatives is considering this week is an editorial from the South Bend, Ind., Tribune, dated July 31, 1966.

I think the editorial is significant on several counts. It calls on Congress not only to pass the civil rights bill, but in particular urges Congress to include title IV, the title of the bill which deals with discrimination in housing.

I note also that the South Bend Tribune favors title IV as presently contained in the bill reported to the House of Representatives by the House Judiciary Committee.

I would like to point out that the South Bend Tribune is one of the most important newspapers in Indiana, and that it is a Republican newspaper. I mention this latter fact in view of the statement yesterday by the House Republican policy committee announcing its opposition to legislation to diminish discrimination in housing.

Mr. Speaker, the editorial, entitled "Pass Open Housing Bill," follows:

[From the South Bend Tribune, July 31, 1966]

PASS OPEN HOUSING BILL

The U.S. House of Representatives this week will vote at last on the most important—and perhaps the most explosive—of all civil rights issues: The issue that has come to be known as open housing.

Put simply, open housing is a short-hand phrase for the right of any American to buy or rent any dwelling he can afford. In a free country, that right should be elementary. In the United States, unfortunately, it is now routinely denied to members of society who possess dark skins.

Coming up for the House vote is a portion of a civil rights bill designed to guarantee the right to American Negroes, after a fashion. The bill has been attacked on the grounds that it really would deny a right—the right to discriminate. But discrimination is no right; it is the arrogant exercise of prejudice.

As the open-housing bill emerged from committee, it contained a clause exempting one-to-four family homes sold by their owners. The committee thought it also exempted real estate agents acting on behalf of such owners. But the Justice Department says the exemption, as written, applies only to owners and not to agents.

For supporters of the bill, the question now is one of tactics. Should they accept a clarification that would add real estate agents to the exemption, a move that would improve chances of the bill's passage (but would exempt an estimated 60 per cent of house sales from the bill)? Or should they fight for the present language and risk getting no bill passed?

We think a bill should be passed; the broader version if possible, an amended version if not.

Until Negroes are free to buy any home they can afford, they will remain in an important respect, "second class citizens."

OUR MOST NEGLECTED MENTAL HEALTH PROBLEM: EMOTIONALLY DISTURBED CHILDREN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues an address which was to be delivered in Miami before the annual meeting of the Dade County Child Guidance Center, but due to the approach of Hurricane Alma this wonderful address by Mr. Mike Gorman, executive director of the National Committee Against Mental Illness, could not be delivered.

I would like at this time to place this excellent address at this point in the CONGRESSIONAL RECORD so that my colleagues can have the benefit of Mr. Gorman's views and advice on this subject of mental illness which is so close to the Congress in view of recent legislation enactments:

OUR MOST NEGLECTED MENTAL HEALTH PROBLEM: EMOTIONALLY DISTURBED CHILDREN

(Speech to annual meeting, Dade County Child Guidance Center, Everglades Hotel, Miami, Fla., June 8, 1966, by Mike Gorman, Washington, D.C., executive director, National Committee Against Mental Illness; fellow, American Psychiatric Association (honorary); fellow, American Public Health Association)

Last year, the American Psychiatric Association and a number of organizations in the field of child psychiatry sponsored two conferences on planning mental health services for children in the new community mental health center program. As a prelude to their recommendations, they released what they regarded as the most reliable current data on the size and nature of the problem.

There is a seeming national consensus that there are about four million children under the age of fourteen who are in need of some kind of psychiatric intervention because of emotional difficulties. Of this number, anywhere from a half million to a million children are so seriously disturbed that they require immediate psychiatric help.

Very few of these children are getting the treatment which they need. Although close to 300,000 children were seen in outpatient psychiatric clinics in 1963, in most cases the "treatment" consisted of one or two diagnostic interviews followed by the admission that there were no facilities in the particular area for prolonged treatment.

We have some fairly reliable data which indicate that about 14,000 of these children are confined in state mental institutions. We also know, on the basis of a trend which has been developing over the past five years, that by 1970 the number of children aged ten to fourteen hospitalized in these institutions will have doubled.

But those of us who visit a number of state hospitals each year are convinced that these estimates do not reflect the full extent of hospitalization for childhood mental illness. Furthermore, applications to the National Institute of Mental Health for Hospital Improvement Grants over and over again include data which document the point that an amazingly high percentage of their long-term residents were first admitted as children or adolescents.

For example, an analysis of a 5,000 bed state hospital at Tuscaloosa, Alabama, reveals that more than half of the male schizophrenic group who have been in that hospital twenty years or more were first admitted between the ages of fourteen and twenty-nine. The Alabama report estimates that one in every four young patients "can anticipate being permanently hospitalized for the next fifty years of their lives."

It is my contention that the increasing flood of these young children in the hospitals is not being reflected in existing national data. For example, ten per cent of the 7,000 patients at Rockland State Hospital in New York are children under sixteen years of age, and plans have already been completed for an additional 400-bed unit at that hospital to handle the rising tide of disturbed children being admitted annually.

If time permitted, I could cite comparable data from many other state hospitals across the land. In many of these institutions, where there is no specialized unit for children, the child is lost on an adult ward which is frightfully overcrowded and under-staffed.

In addition to the state mental hospitals, there are a handful of residential treatment centers which care for about 2,500 children a year. In fifteen of our states there are no such facilities, either public or private; in twenty-four of our states, there are no public units to care for children from low and middle income groups.

To sum up, it is an undeniable fact that there is not a single community in this country which provides an acceptable standard of services for its mentally ill children running the spectrum from early therapeutic intervention to social restoration in the home, the school and in the community.

As a nation, we now have a precious opportunity to create a new pattern of appropriate services for these disturbed children. Every state in the country is now engaged in completing plans for new community mental health services; it is incumbent upon all of us to insist that services for children be an integral and major segment of these new community mental health centers.

I would like to underscore the hope that those of you who are designing these new services divest yourselves of any rigid notions as to what constitutes the "proper" facility for an emotionally disturbed child. Beyond an agreement with a position enunciated in a recent article in the "American Journal of Psychiatry" that hospitalization in most state mental institutions adversely affects the child because "he promptly loses the right to be a child", I would plead for a wide variety of services suited to the individual needs of each child and to the capabilities of each community.

There is a real danger, for instance, that we will overemphasize the need for residential treatment centers for children, thereby losing sight of the vast majority of disturbed children who do not need such 24-hour hospitalization. In this country, we tend to overemphasize hospitalization as the only way of handling a child who does not conform to the fierce and often conflicting demands of present day living. Psychiatric leaders in many other countries have been quite critical of our inability to handle these children in other ways than by total confinement. We do ourselves a great disservice when we push many of these mildly disturbed children out of the community and into a faceless institution.

We need a more flexible, less doctrinaire approach to the whole problem of the disturbed child. It isn't all just black or white—successful adjustment or an institution several hundred miles away. It is in the intermediate areas where we can do the most effective job for the majority of these children—in the schools, in the mental health clinics, the day care centers, the courts, and so on. By developing the screening and treatment potential of these familiar agencies, we don't run away from the problem—we face it and we bring many untapped human resources to it.

I am particularly concerned with the enormous untapped potential of the schools in handling emotionally disturbed children. The Joint Commission on Mental Illness and Health, which was unable to devote sufficient attention to the problems of childhood mental illness because of a shortage of funds, did issue a monograph titled "The Role of the Schools in Mental Health". It is quite an important document, laying the greatest emphasis upon the therapeutic role of the schools because of their central position in the child's life. In the study itself, there are key sections devoted to skilled nursery education, the spotting of difficulties in kindergarten, and the need for immediate intervention when basic learning difficulties become apparent.

To those of us who suggest these new approaches in settings other than rigidly psychiatric ones, there is ususal retort that we can never train enough psychiatric manpower to do this kind of job. I agree. It is sheer folly to think that we can ever train enough personnel to give individual psychotherapy to every disturbed child. It would not only be inadvisable to do so in terms of available manpower, but I submit that it would be totally unwise.

As the Joint Commission report noted, we must add to the skills of those who deal most directly and continually with the child.

For the past four years, an experiment has been going on in Tennessee and North Carolina in which selected teachers are being taught psychiatric skills and then used as teacher-counsellors in specialized schools for disturbed children. This experiment follows the pattern of the French experience in which more than 3,000 of those teacher-counsellors play a key role in working with emotionally disturbed children in that country. Called Project Re-ED, the philosophy of its originator is stated very forcefully in a recent description of the first four years of the experiment:

"The problem of providing for emotionally disturbed children is a critical one requiring bold measures. Society will not continue to tolerate the assignment of disturbed children to detention homes, to hospitals for adults, or to institutions for the mentally deficient . . . The United States does not have and will not be able to train a sufficient number of social workers, psychiatrists, psychologists and nurses to staff residential psychiatric facilities for children along traditional lines. It will not be possible in the foreseeable future, with manpower shortages becoming increasingly more acute, to solve the problem of the emotionally disturbed child by adhering to limited patterns . . . For effective work with children, the worker's personal attributes weigh more heavily than his professional knowledge and technical skills."

While it is too early to make definitive comments on the success of these experiments, there is every indication that it is preventing the institutionalization of many children. The average stay of pupils at the specialized schools in Tennessee and North Carolina is about four months; the close and continuing liaison between the specialized schools and the regular school systems in the area provides a natural transition back to full-time schooling when it is deemed advisable.

In order to work more effectively with children in the schools, we need many more teachers specially trained to work with those who are emotionally disturbed. The U.S. Office of Education recently estimated that we need approximately 100,000 of these specialized teachers right now to staff classes of not more than ten children each for the more than one million children it estimates need these individual psychological and educational services. How many do we have now? The best estimate I could get out of the Office of Education was less than three thousand.

I am therefore delighted to report to you that the mental health center staffing legislation which passed the Congress last year also included a tremendous boost in programs for training teachers of the handicapped. Over the next three years, $100 million is authorized for this purpose and, since the greatest need is for teachers of the emotionally disturbed as pointed out in the Senate report on the legislation, I am confident that for the first time in our history we will begin to close the gap between the supply and the insistent demand.

The aforementioned legislation also includes $35 million over the next three years in support of research and demonstration projects designed to produce more effective methods of teaching and re-educating the handicapped, with a new proviso allowing federal support for the construction of such experimental facilities.

We can therefore look forward in the coming years to a number of new approaches as fruitful in originality as the George Peabody College experiment in Tennessee and North Carolina.

Several other pieces of legislation passed by the Congress in 1965 enable local communities to receive funds to provide additional or new services to emotionally disturbed children.

Title I of the Elementary and Secondary Education Act of 1965 specifically authorizes funds for mental health counseling and other specialized services for children of low-income families. This aid is not restricted to schools; local agencies such as the Dade County Child Guidance Center may submit a project for approval by the state educational agency which disburses the federal funds. While this Elementary and Secondary School Aid Program is still in its early stages, I am convinced that we in the mental health field have not been aggressive enough in developing projects and seeking financial support to aid the thousands upon thousands of children who are failing in schools now because of emotional difficulties.

There are also anti-poverty funds available through the Office of Economic Opportunity. Under the community action section of the legislation, funds may be obtained for neighborhood health centers and other services designed to help the children of the poor. Operation Head Start, which covers children of the pre-school and kindergarten age, has a health division, but during its first year it has concentrated largely upon the physical illnesses of children. However, a report released on the experience last summer with 600,000 children enrolled in Head Start revealed that at least 10% of these children were so emotionally disturbed by the age of four that they could not participate successfully in the program. Again, I think we have not been aggressive enough—we should demand that psychiatric services be provided to these children. There is no reason why your guidance center in Dade County could not be reimbursed for providing these essential services.

In the years ahead, Title 19 of the Medicare legislation provides a singular opportunity to pay for psychiatric services for the children of low-income families. The individual states are free to develop their own plans of health care for the medically indigent, but by 1970 all federal funds for medical services will be disbursed under the new Title 19, and by July, 1975, all states must include all persons who are medically needy, including children, in their programs.

The kind of program developed here in Florida will depend upon citizen initiative. Unless sufficient pressure is brought to bear, I am afraid that the officials in Tallahassee will not include services for mentally ill children in their Title 19 plan. Since I assume that you have the same financial problems as most other child guidance clinics in the country, you have more than an academic interest in seeing that state and county governments avail themselves of all funds for which they are eligible under the various pieces of legislation which I have outlined.

I would also like to commend to your attention legislation which has an enormous potential in the area of prevention of severe emotional disturbances. On September 29, 1965, Congressman SAM GIBBONS of Tampa introduced a bill providing several hundred million dollars in federal assistance to train child development specialists to work with troubled children in kindergarten and the first three grades of elementary school. Hearings on the Gibbons bill, which also provides grants to the schools to employ these child development specialists, were completed last year. The legislation received the strongest possible endorsement from every professional organization in the field of childhood mental illness, but it has not moved to the floor of the Congress this year because of the restrictive nature of the federal domestic budget.

I think we can afford the Gibbons bill and any other measures designed to rescue mentally ill children from lives of total despair. In his 1962 State of the Union message, President Kennedy said: "A child uneducated is a child lost." Yet, with only rare exceptions, we have been prolonging and perpetuating the difficulties of seriously disturbed children by barring or dismissing them from public education. I submit that if we can spend $5 billion a year for a conjectural trip to the far side of the moon, we can spend a few hundred million dollars in the next few years to help our own children walk on this planet.

There are so many who could help. For example, as the Joint Commission report notes, there are 14,000 pediatricians in this country but the great majority of them lack sufficient psychiatric orientation to capitalize on their professional potential.

We have just begun to scratch this potential of people who can help people. In Washington, D.C., we are using mothers whose own children have completed their education. They are given a year's training in psychiatric concepts and then work on the psychiatric service at Children's Hospital.

In many cities in the country, trained youth workers are going into neighborhoods where trouble exists and applying their knowledge and affection to those children who are in revolt against the "norms" of modern society. As the noted psychiatrist, Dr. Kenneth Appel, has pointed out, there is a deep and tragic irony in the fact that millions of Americans—unemployed, retired, or otherwise rendered unproductive by society—seek a meaningful role in life, while millions of our children, our mental patients and others sunk in despair seek a helping hand. Dr. Appel pleads for a linkage between this great untapped human potential and the vast needs of the troubled and submerged in our democracy. Automation may eventually provide most of the material wants of our society, but it cannot ever replace the hand-to-hand and heart-to-heart relationship which is at the core of the helping services.

During this past summer's experience with Project Head Start—which reached more than 600,000 children under the age of six—thousands of adults and children served as volunteers. As this program resumes this fall and winter, the goal is to reach down to children three years of age and to expand voluntary and community participation.

The first several thousand trainees of VISTA—Volunteers in Service to America—are now serving in all regions of the country. A sizeable percentage of these dedicated people have chosen to work in the mental health field and, having addressed several groups of VISTA trainees, I can assure you they will make wonderful workers in the vineyard of childhood mental illness.

There have been exciting developments in other areas of childhood mental illness which have highlighted the necessity for a comprehensive survey of existing needs and the selection of a set of priorities for the next decade and beyond.

The first incisive plea for such a national survey came in a resolution adopted by both the American Psychiatric Association and the American Academy of Child Psychiatry as a direct result of a 1963 conference on training needs in the field of child psychiatry. Noting that the survey of adult mental illness by the Joint Commission on Mental Illness and Health has led to a long-needed overview of the problem which resulted in positive recommendations and subsequent legislation, the conference adopted the following resolution:

"In sum, it was the consensus of the Conference that what the Joint Commission had done by way of presenting the nation with a program to combat mental illness as a whole should now be done in comparable manner and style for the problem of childhood mental illness. The Conference members recognized and accepted their obligation to inform the public of the needs of children and registered their opinion that a national survey should be conducted under the leadership of representatives of the entire spectrum of child-care professions in the field of mental illness and health. They pledge to work for the launching of such a study, looking to the formulation of a national program to combat childhood mental illness and to secure the wherewithal to carry out such a plan."

At the March, 1965 meeting of the National Mental Health Advisory Council, the membership of that Council voted unanimously to request the National Institute of Mental Health to explore with all national organizations interested in the emotional health of children the possibility of a joint commission survey comparable in depth and scope to the Joint Commission on Mental Illness and Health study.

I am happy to report that several exploratory meetings have been held, and that a Joint Commission on Mental Health of Children has been incorporated.

Legislation to provide federal support was passed in the last session of Congress; the Commission has acquired a staff and is beginning the job of collecting the data upon which it can base its final recommendations to the Congress and to the people of the United States.

This quest for a national blueprint for mental health services for children is of vital importance, but it is no substitute for continued efforts at the state and local level to meet the immediate and pressing emotional problems of so many of our children.

In looking through the material on your Center, I was deeply impressed with many services you perform for the community. In reaching out to the families in your group consultation work, you are strengthening the major resource which can hold these troubled children in the community. Equally important are your consultation services to the Juvenile Court and to the schools, since through these efforts you expand the spectrum of your professional workers to a role in direct support of people who come in daily contact with children. Since the shortages of personnel in the field of childhood mental illness will be with us for many years, it is absolutely essential that such centers as yours make every attempt to work with all educational and social agencies which have jurisdiction over the child.

I note that you also are aiding in the training of that scarce commodity—the child psychiatrist—and I am delighted that you are seeking approval as a formal training center in child psychiatry.

To expand your services, you must have additional financial support at the state and local governmental levels.

I have been to Florida a number of times, and I am still convinced that the state is not providing sufficient support for community mental health services. The American Psychiatric Association made a very thorough survey of the mental health situation in Florida in 1963; it recommended that no additional state hospitals be built. However, it is my understanding that Florida has not followed the example of 26 of its sister states in passing legislation providing matching monies to communities who wish to build centers under the federal community mental health legislation. There is a need for at least a half dozen community mental health centers here in Dade County, and there is absolutely no reason why the state government cannot match local funds for these centers.

As the 1963 APA survey pointed out, you are disgracefully short of community psychiatric facilities in this county for both adults and children. I know that you are far down on the state priority list in terms of need for these facilities, but I refuse to believe that the geniuses in Tallahassee who appropriated several millions of dollars for a large mental hospital in an isolated part of the state have any conception of what community psychiatry means. You have got to help teach them that a state matching investment in centers is far wiser and far more economical than the construction of another human warehouse.

I applaud the noble efforts of the Dade County Mental Health Association in raising money for a desperately needed adult psychiatric clinic, but I agree with them that this is only a stop-gap measure until the state and county appropriate sufficient tax monies for a network of mental health centers here in Dade County.

To those of your officials who contend that mentally ill children and adults present no critical problem to the county and to the city of Miami, I cite a survey made recently by the American Psychiatric Association which documents the point that you still jail a large number of disturbed people who eventually get to Jackson Memorial or South Florida State, but at what cost to their dignity and their stability?

If Panama City, Daytona and Winter Haven can tap their own local public and private resources to match federal monies in order to construct community mental health centers, I am confident that the good people of this area can—until the slumbering officials in Tallahassee wake up—finance intensive treatment facilities designed to eliminate the jailing of the adult mentally ill and to bring psychiatric help to hundreds upon hundreds of children not now receiving it.

County government must also play an increasing role in support of your Center, and of the additional centers which are needed. I have made it a point to visit with county commissioners in all parts of the country; I remember a very pleasant and rewarding session with the Dade County Commissioners back in 1949. I am deeply aware of the difficulties county commissioners face in proposing new services which raise the local tax base. The National Association of Counties recently invited me to write an article for their official publication on the tax question as it relates to the mentally ill; if I may just

quote the following observation from that article:

"In speaking to county groups in many parts of the country over the past fifteen years, I have constantly stressed the point that citizens asking county governments to provide new services for the mentally ill must not only present these officials with a realistic cost estimate of these services, but they must also indicate their willingness to help educate the public on the need for additional tax revenues to finance them. Unless there is strong citizen identification and support for these new programs, it is irresponsible to ask county governments to assume the additional fiscal burdens required to put them into action."

I know that you are constantly being told that state and local taxes have reached a confiscatory level and that mental health services are doing quite well financially. This is sheer hogwash. Last year, less than 3% of all state and local tax monies were used to fight mental illness, which the American Medical Association has described as "America's most pressing and complex health problem".

In a nation which spends $20 billion for recreation, $11 billion for alcoholic beverages, $7 billion for tobacco products, and $1 billion for candy, there is room for additional expenditure of a few hundred million dollars so that four million of our children who are emotionally troubled can be helped so that they may lead useful and productive lives.

H.R. 16775, A BILL TO AID BUSINESSES FORCED TO RELOCATE BY URBAN RENEWAL PROJECTS—DESERVE FAIR COMPENSATION

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PEPPER. Mr. Speaker, I would like to take this opportunity to speak of grave injustices that can occur when a community undertakes urban renewal projects. One of my constituents, Mrs. Harriet P. Oakes, has brought this situation to my attention.

Mrs. Oakes and her husband John operate a small grocery store in the central Negro district in Miami. Together Mr. and Mrs. Oakes work a total of 108 hours every week to earn a living. They have invested important years of their lives to insure their economic security. Yet because they do not own either the land or the building where their business is located, they are not eligible for a fair payment of the cost of relocating their business nor can they be sure that a new location will be as profitable or that they will not have to move again.

Under existing law, they are permitted but $500 to help defray the cost of relocating their grocery store. The Housing Act of 1949, as amended, provides a maximum of but $3,000 for relocating businesses, but does not permit payments for lost good will, which can often never be replaced in a new location. Now these people, after years of hard work, must begin again in a new location.

Mr. Speaker, I believe the Oakes' and people like them must be sufficiently and fairly compensated for the necessary relocation required by urban renewal projects. Under existing law, those who own land receive adequate compensation for the property used for urban renewal. Residents who are forced to find new places to live also receive adequate compensation. But honest, hard-working business people do not receive payment for loss of the source of their livelihood. after urban renewal forces a business to change its location or close its doors forever, many of these self-supporting people never get back on their feet again. As long as urban renewal represents progress for our cities, Mr. Speaker, then there should not be victims of progress such as Mr. and Mrs. John Oakes.

It is for this reason, Mr. Speaker, that I have introduced legislation to remedy this problem. Mr. TYDINGS, the distinguished Senator from Maryland, has introduced his own bill, S. 3290, to lessen the hardships of these business people displaced by urban renewal. However, my bill, H.R. 16775, provides that compensation not be limited to businesses earning less than $10,000 a year, and the maximum repayment be fair and equitable. In addition, stores, which need not physically move but still lose their business because customers are forced to relocate, should also receive fair compensation.

The other body has passed legislation which will table the bill introduced by Mr. TYDINGS. This bill is the Uniform Relocation Act of 1966 which is now pending before the Committee on Public Works. My bill would be such a major change in the whole idea of adequate compensation for relocation due to urban renewal, I have asked my former colleagues on the House Subcommittee on Housing to consider this bill within this session of Congress.

Mr. Speaker, the urban renewal program in this country was born with the Housing Act of 1949. Yet in the intervening 17 years we have done little for the small businessman who often loses his source of livelihood he spent many years building up. Seventeen years is too long to wait, but certainly waiting any longer is even worse. We must do something for these people and we must do it in this session of the 89th Congress.

COMMISSION TO INVESTIGATE INCREASE IN VIOLENCE AND BRUTALITY

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I am prompted to speak today primarily due to the startling mass sniper attack yesterday at the University of Texas. I want to strongly emphasize, however, that I am disturbed not just with the breakdown of a sick mind which ends in this attack or in the murder of eight young nurses in Chicago, but an increase all over the Nation in violence and brutality.

There occurred in 1965, 2,780,000 serious crimes, a 6-percent increase over 1964. Violent crime, in the years 1960 to 1965, increased by 35 percent. It is time we ask ourselves some fundamental questions about violence in our society and whether certain aspects of our culture encourage the use of such force.

I suggest today that the President immediately appoint a commission to study and report on this problem. A commission, not of police or government experts who deal in the specifics and the statistics of crime, or in the techniques of law enforcement; but of social scientists, psychologists, psychiatrists, and scholars who may delve into such broad social questions as these:

What relationship does this situation have to the daily, constant show of force and violence on television and in the movies?

What is the connection, if any, to the increased hostility and friction between the races?

And, what effect on the individual have the fears and insecurities of 20 years of cold war, the hatred which is aroused by the fervid crusade of one power and ideology against another?

Nor can such a study ignore the incredible availability of firearms in this country. As has been proved over and over, anyone can build such an arsenal as Charles J. Whitman had yesterday in the tower of the University of Texas.

These questions must be examined. Dr. Benjamin Spock, renowned expert on the growth and development of children, has often referred to the destructive psychological effect of war, both real and in the movies, on the child. Let us have a commission of social scientists investigate more fully this very problem, with the full support of the White House and the Congress, so that we might better understand and do something about this increasingly tragic situation.

YOUNG CITIZENS' COMMITTEE FOR AN ATLANTIC CONVENTION

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, I rise today to bring to the attention of my fellow Members of the Congress the formation of a national Young Citizens' Committee for an Atlantic Convention.

During this session of Congress, 76 Members of the House have introduced resolutions calling on this country to establish a delegation of 18 prominent citizens to attend an Atlantic Union Convention. I am proud to be associated with this effort as the author of one such resolution, House Resolution 1096.

In the Senate a companion resolution has been introduced—Senate Concurrent Resolution 64—and cosponsored by 18 Members of that body. Hearings have already been held before a subcommittee of the Senate Foreign Relations Committee. It is my understanding that hearings are planned before the House Foreign Affairs Committee for the latter part of August.

The Young Citizens' Committee includes among its members National and State leaders of the young Democrats, young Republicans, and junior chambers of commerce. Its chairman is D. Bruce Shine, a young attorney from Tennessee, who at 25 authored a book about the Atlantic Community. At one time he served on the NATO staff in Paris.

The broad base of support among young people for the Atlantic Convention becomes apparent in a review of the membership of the National Young Citizens' Committee for an Atlantic Convention. I include the names, addresses, and biographical data of the committee members:

NATIONAL YOUNG CITIZENS' COMMITTEE FOR SENATE CONCURRENT RESOLUTION 64

E. Thomas Adams, 30; 1342 Slater St., Toledo, Ohio 43612; Ninth Ohio District Young Republican Committeeman.

Alan Ahrens, 22; Elberfeld, Ind.; Republican College Chairman for Indiana.

Avery L. Avery, 22; 4727 Kavanaugh St., Little Rock, Ark.; Little Rock Jaycees; Young Democrats.

Ted A. Behr, 32; 6353 Hollywood Blvd., Hollywood, Ca. 90028; Past National Director, U.S. Jaycees; Past District Governor, California Jaycees.

Carl R. Biletta, 33; Riviera Blvd., Vineland, N.J. 08360; National Director, New Jersey Jaycees.

Edward F. Bishop, 33; 50 Barnes St., Providence, R.I. 02906; President, Providence, R.I., Jaycees.

R. K. Blomberg, 27; Rte. 1, Box 230, La Grande, Ore; Past Pres., La Grande Jaycees; Past State Vice-Pres., Oregon Jaycees; Current National Director, Oregon Jaycees.

Joanna Bowers, 25; 130 South Union Rd., Dayton, Ohio 45427.

Charles Boyd, 26; 315 Bernard St., Denton, Tex. 76201; Second Vice-Pres., Texas Young Republican Federation.

Victor Braren, 26; 1430 Tulane Ave., New Orleans, La. 70112; Chairman, Second Congressional District, Louisiana Young Republican Federation.

Russel L. Brown, 30; 1442 Tongass, Box 1125, Ketchikan, Alaska 99901; Vice-Chairman, Alaska Young Democratic State Central Committee; Chairman, Young Democratic Southeast Alaska District Committee.

Paul (Bud) Burke, 32; 5110 West 87th St., Prairie Village, Kansas 66207; Chairman, Prairie Village Republican Central Committee; Past City Councilman of Prairie Village; Kansas Turnpike Authority.

J. Frank Cafferty, 31; 1601 Interlaken Pl. E., Seattle, Washington 98102; Pres., Overlake Democratic Club.

Neil Calnan, 23; 2920 Amherst St., Houston, Tex. 77005; Past State Vice-Chairman, Texas Young Republican Federation.

Bobby Capps, 27; Box 2415, Anchorage, Alaska, 99501; Pres., Alaska Young Democrats.

R. D. Carmichael, 30; 812 Monterey Dr., Bessemer, Ala.; Chairman, Bessemer Young Republicans.

Paul Carter, Jr., 23; Rte. 6, Box 304, Salisbury, N.C. 28144; Editor, North Carolina Young Republican News.

Marvin C. Cecil, 29; 105 7th St., N., Naples, Fla. 33940; State Vice-Pres., Florida Jaycees.

Joseph Celauro, 27; 48 St. Paul's Ave., Jersey City, N.J. 07306; Vice-Pres., New Jersey Jaycees; Past Pres., Jersey City Jaycees.

Jack Christensen, 23; 8408 West 42nd St., Tacoma, Washington 98466; Washington State Young Republicans.

Lee W. Cline, 22; 513 West Wabash Ave., Crawfordsville, Ind. 47933; Coordinator of Research, Republican Party of Indiana; Executive Director, Midwest College Republicans.

Charles Coleman, 20; 1910 G St., N.W., Washington, D.C. 20005.

Patricia J. Combs, 37; 5475 Broadway St., Gary, Ind.; District Vice-Chairman, Indiana Young Republicans.

Sally L. Cope, 22; ARC–USAH, Ft. Jackson, S.C.; Vice-Chairman, Richland County Young Republicans; Past Pres., Wesleyan College Young Republicans.

Elizabeth L. Cox, 38; 390 Morris Ave., Summit, N.J. 07901; Former UN Observer; Young Republican National Federation.

Germaine C. Culbertson, 25; 735 Anson St., Winston-Salem, N.C. 27103; Past Secty., North Carolina Federation of Young Republicans.

James B. Culbertson, 28; 735 Anson St., Winston Salem, N.C. 27103; State Chairman, North Carolina Young Republicans.

Howard A. Denis, 26; 4977 Battery Lane, Apt. 119, Bethesda, Md. 20014; National Committeeman, Maryland Federation of Young Republicans; Pres., Montgomery County Young Republican Club.

W. E. (Skip) Dunkirk, 27; 1105 Sheridan Rd., Normal, Ill. 61761; National Director, Illinois and U.S. Jaycees; Republican Precinct Committeeman.

Paul M. Elvig, 24; P.O. Box 1881, Vancouver, Wash. 98663; Vice-Pres., Washington State Young Republican Federation.

Fritz Endris, 28; 722 E. Main St., Greensburg, Ind. 47240; Pres., Decatur County Young Democrats; National Director, Indiana Jaycees.

Cheryl Ann English, 20; 1305 Potomac St., N.W. Apt. 16, Wash., D.C. 20007; Executive Secty., District of Columbia Federation of College Young Democrats.

Claude Farris, 27; 8203 Nelson St., New Orleans, La.; National Committeeman, Louisiana Young Republican Federation.

James L. Fiore, Jr., 30; 72 Robbins Rd., Bricktown, N.J. 08723; National Director, New Jersey Jaycees.

John R. Fiorino, 39; 267 Main St., Matawan, N.J. 07747; Past Pres., Monmouth County Young Democrats, Matawan Boro Municipal Leader.

David T. Flaherty, 37; 803 Hospital Ave., Lenoir, N.C.; Past Chairman, North Carolina Young Republicans; National Committeeman, National Federation of Young Republicans.

Douglas R. Fonnesbeck, 22; 295 North 1st St. W., Logan, Utah 84321; Regional Director, Young Democratic Clubs of America.

M. L. Funderburk, Jr., 27; 4820 Stafford Dr., Durham, N.C. 27705; Executive Secty., North Carolina Federation of Young Republicans; Chairman, Durham County Young Republicans.

Betty Jane Gaffney, 36; 2848 Rockwood Pl., Toledo, Ohio 43160; National Committeewoman, Ohio Young Democratic Clubs.

William Gaia, 23; 4540 Ridgewood Rd., Memphis, Tenn.; Board of Directors, Shelby County Young Republicans; Pres., Whitehaven, Tenn., Young Republicans.

Alan L. Gaudynski, 24; 3564 South 19th St., Milwaukee, Wis. 53221; State Area Coordinator, Wisconsin Young Republicans; Vice-Chairman, Milwaukee County Federation of Young Republicans.

Walter C. Gebelein, Jr., 24; 575 Summer Ave., Newark, N.J. 07104; Past State Chairman, New Jersey College Young Republicans; Past Chairman, Rutgers University Young Republicans.

Harlan L. Gilliland, 29; P.O. Box 435, Vashon, Wash. 98070; Washington State Jaycees.

John R. Gower, 34; 507 N. Joslin St., Charles City, Ia.; State Vice-Pres., Iowa Jaycees; Past Pres., Charles City Jaycees.

Edward Griffith, 29; 4427 Clairmont Ave., Birmingham, Ala. 35222.

John A. Gromala, 36; P.O. Box 626, Fortuna, Ca. 955540; Past Pres., California Young Republicans; Administrative Assistant, California Citizens for Goldwater-Miller.

Ken Hagerty, 21; 1476 Hill Dr., Los Angeles, Ca. 90041; State Vice-Pres., Oregon Republican College League; Pres., Oregon State University Young Republicans.

James H. Handler, 32; 5311 South Cornell, Chicago, Ill. 60615; Executive Committee Chairman, Cook County Young Democrats.

Frances Harris, 37; 629 Dakota Dr., Rapid City, S.D.; National Committeeman, Young Republicans.

Donald A. Henry, 33; 723 Eaton Rd., Rochester, N.Y. 14617; District Pres., New York State Jaycees; Vice-Pres., and Board of Directors, Rochester Jaycees.

Mrs. Mary Hoekstra, 29; 625 E. Orchard Beach, Rice Lake, Wis. 54868; Past National Committeewoman, Young Republicans; League of Women Voters.

Frank J. Horacek, 20; 7937 Flamingo Dr., Alexandria, Va.; National Student Secty., United World Federalists.

Les Edward Hunt, 23; 395 North Broad St., Globe, Ariz. 85501; Republican Precinct Committeeman; State Vice-Pres., Arizona Jaycees.

William L. Hunt III, 23; 2810 West Kirkwood Rd., Nashville, Tenn. 37204; Chairman, Davidson County Young Republicans for Goldwater-Miller.

Merle E. Jansen, 32; 2771 29th Ave., Columbus, Nebr. 68601; Pres., Columbus Jaycees; Vice-Pres., Nebraska Jaycees.

Carol Johnson, 21; 65 Osborne St., Stratford, Conn.; Corresponding Secty., Young Democratic Clubs of Connecticut.

Robert H. Jones, 32; 1104 Emerald Ave., Lansdale, Pa. 19446; Charter Pres., North Pennsylvania Young Republican Club; State Vice-Pres., Pennsylvania Jaycees.

Richard L. Jorandby, 27; 325 36th St., West Palm Beach, Fla.; State Pres., Tennessee College Republican Clubs; State Director, Tennessee Youth for Goldwater-Miller.

David D. Jordan, 27; P.O. Box 8426, Asheville, N.C. 28804; Candidate, North Carolina House of Representatives; Treasurer, North Carolina Federation of Young Republicans.

Ralph L. Jordan, 34; 71 Steele Rd., Thompsonville, Conn.; National Director, Connecticut Jaycees; Past Pres., Enfield, Conn., Jaycees.

Frank H. Kelly, 33; 51 Newark Ave., Bloomfield, N.J.; National Committeeman, New Jersey Young Democrats.

James M. Klebb, 23; Highway 50, West, Jefferson City, Mo. 65101; Director, New England Region, College Young Democrats; Past Pres., North Central Region, Association of International Relations Clubs.

Barry Allan Klein, 19; 346 New York Ave., Brooklyn, N.Y. 11213; Kings County Young Democrats.

Frank B. Knapke, Jr., 31; 10260 October Dr., Cincinnati, Ohio 45239; State Vice-Pres., Ohio Jaycees; Young Republican Club, Hamilton County, Ohio.

David Koontz, 1909 North Elm St., Ottumwa, Iowa 52501; District Chairman, Iowa Young Republicans.

Richard Kosinski, 24; 190 Willoughby St., Brooklyn, N.Y. 11201; Past Pres., St. John's College Young Democrats.

Walter J. Kozloski, 31; 19 Schiverea Ave., Freehold, N.J. 07728; President, Freehold, N.J. Democratic Club; Past Pres., Greater Freehold Jaycees.

Mrs. Norma Laskey, 35; 6164 Guilford Ave., Detroit, Mich.; Labor Co-Chairman, Executive Board, Young Republican National Committee.

Edwin Latham, 28; P.O. Box 872, Bethany, Okla. 73008; National Committeeman, Young Republicans of Oklahoma.

Thomas D. Loftus, 35; 2304 West Crockett St., Seattle, Wash. 98199; National Vice-Chairman, Young Republican Clubs.

John H. Lovejoy, Jr., 36; 15 Portland St., East Rochester, N.H.; State Vice-Pres., New Hampshire Jaycees.

D. E. (Buz) Lukens, 35; 4728 Primrose Lane, Middletown, Ohio; Current Republican Nominee for Congress; Past National Chairman, Young Republican Clubs.

Frank Lyons, 27; 31 Grace Rd., Quincy, Mass. 02169; Past Pres., Vermont Young Democrats; Past Vice-Pres., New England Intercollegiate Young Democrats; International Director, Massachusetts Jaycees.

Lowell Malcolm, 32; 5247 Drew Ave. North, Minneapolis, Minn. 55429; Past Chairman, Hennepin County Young Republican League.

Darrell March, 32; Box 407, Wyoming, Ill. 61491; National Director, Illinois Jaycees.

Donald O. Martinson, 40; 1323 Princeton Ave., Salt Lake City, Utah; Past Pres., Utah Young Republicans; Delegate, Atlantic Council of Young Political Leagues, Oxford, England.

Mrs. Donald R. McCullough, 34; 4402 Humble St., Midland, Tex. 79701; Director, Chaves County Young Republicans; Central Committee member, Chaves County Republican Party.

James M. McCutcheon, 30; Box 1752, 606 Stephenson Ave., Parkersburg, W. Va. 26102; National Committeeman, Young Republican League of West Virginia.

W. C. McKeen, 25; 282 Camden, St., Rockland, Me. 04841; Vice-Pres., Maine Jaycees; Pres., Aroostook County Young Republicans.

Manford L. Meade, 31; P.O. Box 351, Limon, Colo. 80828; Past State Vice-Pres., Colorado Jaycees.

Barry L. Mednick, 19; 2276 Hannibal St., Salt Lake City, Utah 84106; Young Democrats.

Thomas C. Milone, 20; 105 Shoreham Way, Merrick, N.Y. 11566; Past Pres., Merrick, N.Y., Junior Democratic Club.

William G. Myers, M.D., 35; 9 E. Coconut Way, Hobe Sound, Fla. 33455; County Chairman, Republican Executive Committee; Past Pres., Hobe Sound Chamber of Commerce; Pres., Hobe Sound Young Republicans.

Tom Nord, 31; 3105 Futura Dr., Roswell, N.M. 88201; Pres., New Mexico Young Republicans.

Danny L. O'Grady, 26; Box 136, Havana, Ill. 62644; U.S. Junior Chamber of Commerce.

Ruskin R. Oldfather, 30; 1605 Grant St., Elkhart, Ind. 46514; County and District Chairman, Young Republicans.

Yance Opperman, 23; 1822 7th South St., Minneapolis, Minn. 55404; Past Vice-Pres., U.S. National Students Association.

Robert Owens, 22; Carleton College, Northfield, Minn. 55057; Regional Director, Young Democratic Clubs of America; Past State Pres., Minnesota Young Democrats.

Frank N. Peakinson, Jr., 39; 318–A 2nd St., S.W., Roanoke, Va.; Executive Vice-Pres., Young Democratic Clubs of Virginia.

Mr. and Mrs. John Pinsoneault, 36; 13430 Euclid Ave. Apt. 206A, East Cleveland, Ohio 44112; Past Recording Secty., Greater Cleveland Young Republican Club.

Jackson A. Poehler, 26; 206 South Road, Lindamere, Wilmington, Del.; Past Chairman and Advisor, College Young Republicans of Delaware.

Richard Rausch, 30; 201, 220 2nd St., S.E. Washington, D.C.; Past Executive Secretary: Young Democratic Clubs of America.

Ronn Robinson, 25; 601 W. Emerson St., Seattle, Wash. 98119; National Committeeman, Washington Young Republicans; Chairman, Washington College Young Republicans.

Max Terry Rockhold, 30; 1111 East Leander St., Clinton, Ill. 61727; Past Pres., Clinton, Ill., Jaycees.

Peter M. Rutherford, 21; 2 Main St., Derby, Me. 04425; Past Chairman, Maine Young Republicans; Treasurer, New England Young Republican College Federation.

John Gerard Ryan, Jr., 22; 31 Crabtree Lane, Tenafly, N.J.; Southern Area Chairman, College Young Republicans.

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John R. Schiermeier, 21; Harneywold Dr., St. Louis, Mo. 63136; St. Louis County Young Republicans.

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Lee A. Schneider, 31; 423 E. 30th St., Davenport, Iowa 52803; District Chairman, Iowa Young Republicans.

Renny L. Scott, 21; 1537 Yale Station, New Haven, Conn.; Pres., Yale Republican Club; Chairman, New England Young Republican College Federation.

Kent Shearer, 36; 1332 Harvard Ave., Salt Lake City, Utah 84104; Legal Counsel, Utah Republican Executive Committee; Past Chairman, Utah Young Republicans.

D. Bruce Shine, 27; Nashville, Tenn.; Past National Vice-Chairman, College Young Democratic Clubs of America; State Field Secretary to Sen. Estes Kefauver; Former Staffer, Information Office of NATO.

James A. Skidmore, 33; 4332 South Atlanta St., Tulsa, Okla.; President, U.S. Jaycees.

Jack D. Skriden, 33; 1204 N. Woodward Ave:, Royal Oak, Mich., 48067; Pres., Michigan Jaycees; Chairman of the Board, Michigan Jaycees.

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Jack Marshall Stark, 38; 5325 Westpath Way, Bethesda, Md. 20016; Former Aide to Gov. William Scranton; Former Campaign Manager for Cong. CHARLES MATHIAS (R. Md.); Former Minority Counsel, Legislative Oversight Committee (H. of R.).

B. J. Steinersen, 24; Box 523, 137 Division St., Manahawkin, N.J. 08050; State Committeewoman, New Jersey Young Democrats; State Secty. New Jersey College Young Democrats.

Joe Stephenson, 33; 45 N. Belvedere, Apt. 110, Memphis, Tenn.; Pres., Memphis, Tenn., Jaycees.

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Robert R. Stone, Jr., 28; Box 535, Arlington, Va. 22201; National Vice-Chairman and National Treasurer, Young Republican Federation.

Dick Sybert, 29; 52 Mar Vista Dr., Pocatello, Idaho; State Vice-Chairman, Idaho Young Republicans.

Alvin G. Tenner, Esq., 30; 6399 Wilshire Blvd., Ste. 506, Los Angeles, Ca. 90048; California Federation of Young Democrats; California Bar.

Eugene A. Theroux, 28; 3833 Warren St. N.W., Washington, D.C. 20016; Chairman, International Affairs, Young Democratic Clubs of America.

Jack H. Titus, 28; 14 Suburban Sq., South Burlington, Vt. 05403; Vice-Pres., Vermont Jaycees; Pres., South Burlington, Vt., Jaycees.

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John R. Trice, 33; 3303 Hood St., Dallas, Tex.; National Committeeman, Young Republican Clubs; Chairman, Republican Lawyers of Texas.

W. F. Tweedie, 37; 246 Babcock St., Eau Gallie, Fla. 32935; Pres., South Brevard, Fla., Young Republicans.

Sonny Utzman, 31; 601 First National Bank, Longview, Tex. 75601; State Vice-Pres., Texas Jaycees.

Robert David Voreis, 17; 725 Windsor St., Orangeburg, S.C.; Past Chairman, South Carolina Teen Age Republicans.

Denis Wadley, 26; 3251 35th Ave., South, Minneapolis, Minn. 55406; National Director, Americans for Democratic Action, Campus Division.

Peter Weiner, 21; 1340 Londonderry Pl., Los Angeles, Cal. 90069; Past Pres. Harvard-Radcliffe Young Democrats.

James P. Wesberry, Jr., 31; Box 8087, Atlanta, Ga. 30306; Georgia State Senator; National Vice-Pres., U.S. Jaycees; Vice-Pres., National Society of State Legislators.

Larry L. Wewel, 25; Box 497, Wayne, Nebraska; Pres., Young Democratic Clubs of Nebraska.

James W. White, 39; 354 N. Jefferson St., Kittanning, Pa. 16201; Past Pres., Young Democratic Clubs of Pennsylvania; Former Special Assistant to President of Young Democratic Clubs of America.

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Peter Wyman, 30; 2014 West 4th St., Spokane, Wash. 99204; State Director, Washington Young Republicans.

Frederick N. Young, 34; 5512 Laureldale Rd., Dayton, Ohio 45429; Past State Chairman, Ohio League of Young Republican Clubs.

Joseph M. Zell, 34; 4616 Park Ave., Ashtabula, Ohio 44004; Past National Director, Jaycees.

Joseph Fallon, 25; 236 East 46th St., New York, N.Y. 10017; Pres., United States Youth Council; Former College Director, Democratic National Committee.

Franklin Haney, 27; Attorney at Law, Cleveland, Tennessee; President, Young Democratic Clubs of Tennessee; Democratic Nominee for Congress (1966), Third Congressional District of Tennessee.

Paul Cahill, 25; 2530 Hilgard Avenue, Berkeley, California 94709; California Young Republicans; Catholic Interracial Council; Commonwealth Club of California.

Joe McKinnon, 24; 8211 East Marieta, Spokane, Washington 99206; Former Nat'l. Committeeman, Young Democratic Clubs of Washington; Former Nat'l. Executive Committeeman and Treasurer, College Young Democratic Clubs of America; President, Spokane Valley Young Democrats.

Robert A. McCann, 28; 474 Hollister Bldg., Lansing, Michigan 48933; Field Representative, Republican State Central Comm.; Former staffer, Republican National Committee; former Executive Assistant to Cong. Clark MacGregor (R.–Minn.).

A. Robert Marley, 22; 420 South Florence, Sandpoint, Idaho; Past State Chairman, Idaho College Young Republicans.

Frank D. Allen, 29; 2836 28th St. N.W., Washington, D.C.; & Jackson, Miss.; Attorney and civic leader; Mississippi Young Democrats.

Patricia Eaves, 25; 415 North Jefferson, Cookeville, Tennessee; Nat'l Committeewoman, Young Democratic Clubs of Tennessee; Former "Miss Tennessee" 1957; Attorney.

William M. Hartman, Ph. D., 26; 135 N. Grant Street, Wesmont, Ill. 60559; College Professor.

Michael McGuiness, 21; 768 Maple St., Rocky Hill, Conn., 06067; Ex-Tres. Fairfield Univ. Young Democrats.

Isabelle R. Rudisill, 36; Rfd No. 1, Washington Boro, Penna. 17582; Secretary, Pennsylvania Federation of Young Republicans.

Dexter W. Lehtinen, 20; 9340 S.W. 87th Ave., Miami, Fla. 33156; Chairman, Florida Federation of College Young Republicans.

(Organizations listed for identification purposes only.)

OPINION POLL OF THE 19TH DISTRICT OF MICHIGAN

Mr. FARNUM. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FARNUM. Mr. Speaker, the 19th District of Michigan is a new one—a new district which now has what I hope will be a tradition: an opinion poll. I mailed my first annual questionnaire to over 120,000 households in my district, and was delighted with the response. "More polls such as this would show the will of the people," one lady wrote me in a note she enclosed as she returned the questionnaire. A businessman commented:

I appreciate your taking the time and trouble to find out how "we the people" feel.

I was eager to find out how "we the people" feel, and had a good chance to do so. Over 13,000 constituents sent back the questionnaire I sent them—and more than a quarter of them sent additional comments in a letter or a note.

These questionnaires went to every household in my district. The results were independently tabulated, computed and verified. Thanks to the use of automatic data processing methods, I was able to analyze the replies to the questionnaire for each city or township in the district, and can report that there is usually very little difference between the reply for each area and the overall results.

This report will soon be in the hands of all of my constituents for their analysis. Because I know it will be of interest to my colleagues, I include results in the RECORD:

	Percent		
	Yes	No	Undecided
Do you favor—			
The present programs designed to combat poverty?	22.1	63.5	14.4
More representation by the poor and disadvantaged in planning the war on poverty?	40.3	46.0	13.7
Setting aside a small percentage of revenue each year to reduce the national debt?	83.8	8.4	7.8
Income tax credits for parents paying expenses of children in college?	73.4	22.7	3.9
Extending the minimum wage to farm labor?	57.9	28.7	13.4
Truth-in-packaging laws which require compact packages and simple weight requirements?	88.7	6.6	4.7
A 4-year term for Members of the House of Representatives?	56.7	35.0	8.3
Legislation to provide tax relief to persons who make small political contributions as a method of encouraging broader participation in campaign financing?	32.5	58.8	8.7
Legislation requiring that auto manufacturers include safety features on all new cars they produce?	58.8	33.8	7.4
Administration proposals to undertake broad programs in—			
International health and education?	46.6	42.3	11.1
Highway beautification?	54.9	35.7	9.4
Traffic safety?	78.2	17.2	4.6
Do you feel the present constitutional limitations on the three branches of government (legislative, executive, judicial) are adequate to maintain a healthy balance?	58.5	23.4	18.1
What course do you favor in Vietnam?	*Percent*		
Withdrawal?	20.0		
Take whatever military action is necessary to achieve decisive victory?	52.5		
Keep up our present military and peace efforts in hopes the Communists will negotiate?	27.5		

PRESIDENT JOHNSON LEADS TRIBUTE TO HOUSE MAJORITY LEADER CARL ALBERT

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. STEED] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STEED. Mr. Speaker, more than 1,000 people joined last Friday night at the Sheraton Park Hotel in Washington, in paying tribute to the majority leader of the House, CARL ALBERT, for his outstanding service to his district, State, and Nation.

It was, I believe, the greatest gathering of its kind ever held by Oklahomans in Washington. Thus it constituted a fitting salute to 20 years in the House by Mr. ALBERT, who has attained the highest position ever held by an Oklahoman in our Government. We were honored by the presence of Speaker MCCORMACK, four members of the Cabinet and many Members of both Houses of Congress.

The President of the United States went to the heart of the matter when he gave his thoughts on CARL ALBERT, and the factors that have made him a great majority leader. I have never seen a better summary of Mr. ALBERT'S accomplishments. The text of the President's remarks follows:

A great son of Oklahoma, Will Rogers, once said:

"A Democrat never adjourns. He is born, becomes of voting age and starts right in arguing over something, and his first political adjournment is his date with the undertaker."

CARL ALBERT is the kind of Democrat, and the kind of American, who doesn't like to adjourn while there is still work to be done.

So I am proud to join you tonight in giving him honor for his accomplishments for our country.

CARL ALBERT has been an effective Congressman for 20 years and a strong majority leader for four of those years. But it is his record with the present Congress, the 89th, which I want to emphasize tonight.

This Congress has faced more tough problems than any other, and met them squarely.

It has considered more human needs, and answered them compassionately.

It has sought more ways to build America, and accomplished them wisely.

Much is due to CARL ALBERT'S strength, integrity, and resourcefulness as one of the leaders of the House of Representatives.

The rest of the country might not know what Oklahoma knows—that CARL ALBERT is one of the true intellectuals in Washington.

He doesn't make an issue of it, but his Rhodes Scholarship, his two law degrees from Oxford and his Phi Beta Kappa key speak eloquently enough on the subject.

He has been a great Congressman because of this intellect, and because anyone who went to school at Flowery Mound, Oklahoma, is certain to have a lot of practical sense as well.

Sam Rayburn saw these qualities when CARL first came to the House in the 80th Congress. Mr. Rayburn was a wise judge of men. To be selected as one of his pupils in the art of government was one of the highest honors a man could achieve.

Mr. Rayburn liked CARL ALBERT as a man. He understood him as a friend and neighbor across the Red River from his own Texas district. He respected him as a brilliant lawyer. It was natural that these two strong minds would come together.

Mr. Rayburn used to say, "When you've got common sense, that's all the sense there is."

He saw in CARL ALBERT the common sense and good judgment that rounds out an educated man, and he really must have seen a lot of himself in CARL, because they were cut from the same pattern.

There is a first-class quality in the majority team of the present House. I don't know of three men I would rather have on my side than JOHN MCCORMACK, CARL ALBERT and HALE BOGGS. They are leaders of men and movers of legislation. They are men of their word, they are fair and just, and above all they believe in this country.

It is their leadership, and that of their colleagues in the Senate, which is mostly responsible for the fantastic record of the 89th Congress.

This is the Congress that fulfilled, after 100 years, Abraham Lincoln's promise of emancipation. It told people who were afraid to vote that they would be guaranteed their rights, and now American citizens in their 70's and 80's are casting ballots for the first time in their lives.

This is the Congress that eased the burdens of older Americans by enacting Medicare.

It is the Congress that pledged to the young of this country the best possible opportunities for an education. This year we will spend $10 billion more on two items—education and health—than we were spending on these responsibilities when I became President less than three years ago.

This Congress reaffirmed its conviction that poverty can be conquered.

It said people have the right to train for good jobs and to learn to live productive lives.

It wrote a national policy that we shall have clear air and clean water, and not runaway pollution.

It passed legislation to dam our rivers, to produce power, to provide beaches, to build playgrounds, and to add more parks to the national domain than any other similar period in our history.

The 89th Congress passed a farm bill that puts more money in the farmer's pocket. It reduced farm surpluses to a decent level.

In short, this Congress fulfilled the true objectives of government: to care for human beings, and to advance their progress as free people.

All of this has been accomplished while maintaining America's position overseas as the leader of the free world. We have been able to do both, and do them both effectively.

CARL ALBERT believes as I do, that aggression must not be allowed to succeed in Vietnam.

CARL has been through one war. He still wears a colonel's eagles, and he didn't win them by being timid. He knows that this nation would commit one of the greatest blunders of history if it fails to keep its word and fails to show the courage that leadership requires.

He understands that the only road to peace and security is to teach aggressors that they must leave their neighbors alone.

The greatness of a country is derived from its people. Those of us in Government do not create greatness. We only do our best to enhance and enlarge a quality which is already there.

CARL ALBERT has worked in the Congress for 20 years to make sure this country will remain great.

He has helped shape policies which have raised the American standard of living to heights the world has never known before.

He has helped foster an economy that has created seven million new jobs for Americans in the past five years.

In these same five years, corporate profits after taxes have doubled. Dividends have gone up 55%. Farm income has grown by 48% per farm. Families have increased their savings and financial assets by nearly half a *trillion* dollars. The average family—even after price increases—is earning the equivalent of 11 extra paychecks each year.

CARL ALBERT'S leadership has contributed to this record of prosperity and growth.

He deserves our thanks for his part in making this the greatest country on the face of the earth.

I'm glad you asked me to help show him our appreciation and affection and deep admiration for a great son of Oklahoma.

THE HIGH COST OF HIGH OFFICE

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHMIDHAUSER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHMIDHAUSER. Mr. Speaker, I would like to call to the attention of my colleagues an excellent article on a subject which concerns all of us as November approaches—campaign finances. This study by Neal Peirce, political editor of the Congressional Quarterly, appeared in the August issue of the American Legion magazine. In it Mr. Peirce analyzes the problems which have arisen in political fundraising, their implications, and possible solutions, in the objective and dispassionate manner we have learned to expect from an editor of the Congressional Quarterly. I think the Members of Congress will find this article a timely reminder of the necessity for congressional action on campaign financing, as well as a source of valuable suggestions as to the form possible legislation should take. The editors of the American Legion magazine are to be commended for providing this excellent appraisal as a public service. I personally support these constructive recommendations and have introduced legislation providing for full public disclosure of the outside income of Members of Congress and higher executive officials and have also introduced legislation prohibiting nepotism.

THE HIGH COST OF HIGH OFFICE—A REPORT ON OUR MULTIMILLION DOLLAR POLITICAL CAMPAIGNS AND WHERE THE MONEY COMES FROM

(By Neal Peirce)

Whether it's a school-board post or the Presidency, a county commissioner's job or a seat in the U.S. Senate, the question any man has to answer before he announces for office is—"Where will I get the money for my campaign?"

The costs of campaigning in the United States have skyrocketed in recent years, and no end is in sight. In 1912 the Democrats reported spending $1,134,848 to elect Woodrow Wilson President, but in 1964 it cost the Republicans 17 times as much—$19,314,796—to run Barry Goldwater's unsuccessful campaign for the Presidency. In 1948, the total reported national-level expenditures of the political parties was $8,771,879. In 1964, the total has soared to $47,762,890.

Even these publicized national spending figures, however, are only the visible portion of an iceberg of massive spending on national, state and local levels—most of which goes unreported because of the gaping loopholes in our national and state campaign funds disclosure laws.

It is estimated that the real, total national bill for political campaigns in 1964, from the Presidency down to town government, was in the neighborhood of $200 million—up from $140 million in 1952. In 1962, when the Presidency wasn't even at stake, about $100 million—or about $2 for each of the 53 million Americans who went to the polls—was spent on races for Congress, state and local government. This figure will probably rise to $120 million in the 1966 mid-term elections as a third of the Senate, all of the House, 35 state Governors, most of the state legislatures and thousands of local government jobs are filled by the voters. Just for Washington operations, the Republicans have set up a budget of $6 million and the Democrats a budget of $4 million for 1966.

For the candidate, election finance is a serious problem because he must take care not to accept so much money from special interest contributors that he will be a "bought" representative if he's elected. For the parties, election finance is a problem because fund raising takes away from time needed for organization and spelling out public policy. And for the voter, campaign money is troublesome because it raises the question of how indebted the man he votes for may be to special interest groups—from "big labor" on the one hand to "big business" on the other.

Some typical campaign bills suggest the breadth of the problem for the candidates and the party organizations that stand behind them.

To win a U.S. Senate seat in 1964, Democrat JOSEPH D. TYDINGS of Maryland felt obliged to spend $246,000 to win the primary (his opponent spent $326,000) and then another $284,113 to defeat the Republican incumbent in the general election.

In winning his New York Senate seat in the last campaign, ROBERT F. KENNEDY spent $1,236,851. Supporters of his Republican opponent, then-Sen. Kenneth B. Keating, invested well over $750,000—while the Republican State Committee spent $615,026, in large part on Keating's race.

Even to win re-election in solidly Democratic Florida in 1964, Sen. SPESSARD L. HOLLAND (D) spent $189,145.

Plainly, with very few exceptions, the candidates don't have that kind of money. They have to get it from someone else—either a lot from a few people, or a little from a lot of people, or a combination of both.

To win the Governorship of Texas in 1962, John B. Connally (D) was obliged to spend $572,480 in the primary and another $205,640 in the general election.

During the 1962 campaign in California, the Democrats charged that former Vice President Richard M. Nixon was spending "a scandalous $1,440,000" in what they said was a ruthless attempt to buy the Governorship. Nixon spokesmen then accused the Democrats of "lies . . . outright smears used in desperation. We are spending only a fraction of that." The Republicans suggested that the expenditures of Gov. Edmund G. Brown (D) were "double that of our campaign." But when the final figures were reported in December, the Nixon committees said they had spent a total of $1,572,664 and committees for Brown listed expenditures of $1,482,206—suggesting that the voter should never take too seriously what one candidate is saying about another's expenditures in the heat of a campaign.

Races for seats in the U.S. House can be exceedingly cheap if a man is well entrenched in a "safe" district. But for any district with real two-party competition, the modern-day costs are likely to range from $25,000 to $75,000 or even higher. In 1964, Democrat RICHARD L. OTTINGER of New York's Westchester County reported spending $192,000 in a successful bid for Congress.

Some of the highest expenditures on U.S. House campaigns in the last mid-term elections were reported by two members of the John Birch Society seeking re-election as Republicans in California. Then-Rep. John Rousselot (R), now a national officer for the Birchers, spent $80,556 in his Los Angeles district while then-Rep. Edgar W. Hiestand (R), another Birch Society member, reported spending $87,330. Both men lost.

One of the cheapest but most colorful Congressional campaigns in history was waged by the late Richard D. Kennedy (no relation to the family of the President) in Ohio in 1962. Kennedy, a political unknown who made his living by dabbling intermittently in Cleveland real estate and repairing old boats, entered an 11-man field for the Democratic nomination for Representative-At-Large and came out the winner by a narrow margin. He didn't campaign but noted later: "If my name hadn't been Kennedy, I would have worked harder." Total primary expenses for Kennedy: $300.

Kennedy's luck ran out in the general election when he was up against Robert Taft, Jr., son of the famous Ohio Senator. Taft won by 621,390 votes. Afterwards Kennedy reported he had spent $435 on the election. His expenditures included:

Travel to Columbus to be ignored by Gov. Michael V. DiSalle (D) $20. Trips downtown in Cleveland to be discouraged by the county chairman, $1. Travel to Washington to be shunned by the President of the United States, $85. Travel to Columbus to be repudiated by the Democratic State Chairman, $30. To derive publicity from all the above, wining and dining newspaper reporters, $5; and wining a New York radical, beer-drinking television director, $8. Sole remaining asset at end of campaign: a $4 bottle of bourbon purchased for a victory party.

In races for state legislatures, expenditures can range from just a few dollars into the thousands. In 1963, one successful candidate for Delegate in the Virginia General Assembly reported spending $24,113, more than $1 for each of the 20,254 votes he received. Another candidate, who lost, said his total expenditures were 15¢ to mail out news releases. In the 1965 primaries for the reapportioned Georgia House, a number of

candidates were reported to be spending $10,000 or more in the primary—for a job which pays $2,000 a year.

In 1965, John V. Lindsay's supporters spent close to $2.6 million to get him elected Mayor of New York City. The campaign of his Democratic opponent, Abraham Beame, cost $2.2 million. In 1963, Philadelphia Democrats reported spending $405,000 to maintain control of City Hall, while Republicans spent $300,000 in a spirited but failing effort to unseat them.

As Will Rogers pointed out in a far less expensive day, "It takes a lot of money to even get beat with."

With these millions of dollars changing hands in every campaign year, the voter is likely to ask just what all the money's for—and where it comes from.

The uses of campaign money are endless. A typical campaign budget includes outlays for television and radio, rent for headquarters, telephone, telegraph, auto hire, airplane tickets (if not the actual lease of aircraft), registration drives, hotel rooms, dinners and conferences, campaign literature and sample ballots, public relations counsel . . . the list goes on and on. In 1964, one potential candidate for statewide office in California first assembled a budget and then decided it was so high he wouldn't run. The elements listed: television, $203,960; radio $53,000; billboards, $105,200; newspaper ads, $93,000; mailings, $90,000; headquarters and personnel $83,000. Total—$628,160. And these expenditures would only have taken the candidate through the primary election.

In recent years, electronic campaigning has occupied a greater and greater portion of campaign budgets. In 1956, total general election expenditures for television and radio in the United States were $9,818,000; in 1964 the figure had risen to $24,604,000. Another $10 million was spent on radio-TV in primary elections. This was one reason for the huge sums that the candidates for the Republican Presidential nomination felt they had to spend. Goldwater spent $5.5 million in winning the GOP Presidential bid, while Gov. Nelson Rockefeller (N.Y.) laid out $3.5 million to $5 million or more in losing. Pennsylvania Gov. William Scranton's whirlwind bid for the nomination cost $827,000—a quarter million of that for radio and television. In the general election campaign of 1964, television costs for the major candidates were boosted by the refusal of Congress to lift the "equal time" requirements of the Federal Communications Act as the lawmakers had done in 1960, making it possible for the networks to give free time for the "Great Debates" between Kennedy and Nixon that year. Unless the "equal time" requirements are lifted for a campaign, the networks are obliged—if they want to give free time to the major candidates—to give equal time to minor parties like the Socialist Worker and Prohibitionist Parties which also nominate candidates for President. The networks were understandably unwilling in 1964 to give countless hours of free prime television time that would have been required if the minor candidates had been allowed equal time.

Other major costs of campaigns include newspaper ads, which can run up to thousands of dollars for a single ad in a large paper; public opinion polls, which were estimated to have cost the candidates and parties around $5 million in 1964; the costs of public relations firms which advise on improving the images of candidates and planning advertising campaigns; the billboards, which can cost over $100,000 for good coverage of a large state; air travel costs—especially the astronomical costs of modern jet aircraft, and the cost of printed campaign materials. In the 1960 Kennedy-Johnson campaign, for instance the Democratic campaign managers laid out $805,301 for 24 million campaign buttons, 19 million tabs, 10 million bumper stickers, 10 million window shields, 1.5 million large posters, 14 million campaign brochures and 10 million tabloids boosting the candidates.

Where, then, does all the money come from?

Searching for ways to finance the huge expenses of political campaigns, the candidates and parties have tried at various times to tap every kind of source from huge corporations to rank and file citizens. Only in rare instances—like the campaigns of millionaires like Rockefeller, Kennedy and Harriman—have there been enough financial resources in the family of the candidate to cover a substantial portion of the campaign debts.

A favorite device to raise money in the 19th century was the spoils system, which was born in the Jacksonian era and reached its zenith in the years following the Civil War. The system was simple: the party in power simply docked each Government employee some portion of his pay. As an example, it was reported in 1878 that at least 75% of the money raised by the Republican Congressional Committee came from federal officeholders. Reformers launched a vigorous attack on the spoils system, leading to enactment of the Federal Civil Service Reform Act of 1883, which made it a crime for any federal employee to solicit another for campaign funds. This law is still on the books and most—but not all—of the states have similar statutes. In Indiana, Gov. Paul V. McNutt (D) won national attention in the late 1930s when he developed a Two Percent Club for political gifts from state government employees. In North Carolina a few years later, it was found that the vast majority of gifts to the ruling party came from public employees. One license examiner for the highway department was quoted as having said, "I gave 'cause I thought I had to," but that he wouldn't trust the bossman who took the contribution from him further than he would trust "a new 'coon with a rabbit."

Even on the federal level, scarcely an administration passes without some charge of violation of the Civil Service Reform Act. In April 1961, it was revealed that civil service employees in upper income brackets were receiving letters asking them to buy $100-a-plate tickets for a political birthday dinner in honor of President Kennedy. (The political dinner, with plates priced anywhere from $5 to $5,000, is one of the most effective and widely used modern fund-raising devices.) The letters for the Democratic dinner, bearing the names of Democratic National Chairman John M. Bailey and Treasurer Matthew H. McCloskey, said in part: "Your presence will also be a guarantee of continued support by our party." Republicans charged that this amounted to asking Government workers to "pay tribute" in order to retain their jobs or get promotions.

In 1963, when the Democrats were under fire once more for allegedly improper pressures on federal employees to buy "gala" tickets at $100 a head, then-Sen. (now Vice President) Hubert H. Humphrey said the Democratic National Committee had done nothing wrong and recalled instances in which top officials under the Eisenhower Administration had joined in an appeal to federal workers to contribute to the Grand Old Party.

It has not been uncommon over the years for large donors to party coffers to occasionally receive ambassadorships. When this happens, the opposite party frequently cries that the office was bought. Nobody can ever prove it and it has happened under administrations of both major parties.

Gifts from big corporations to the political parties were a first substitute for the spoils system in the late 19th century. At first the giant companies divided their funds about equally between the parties, but then there was a rush of corporate money into Republican coffers. In 1896, Marcus A. Hannah raised a fund variously estimated between $3.5 million and $16.5 million to elect William McKinley President. There were charges in 1904—later proven in a series of official investigations—that millions of dollars were being spent by giant corporations on the Presidential campaign of Republican Theodore Roosevelt. Historians are not sure how aware Roosevelt was of the corporate contributions to his campaign, but he later became a leading advocate of limiting corporate influence and power in politics.

The public outcry about the big corporations' political gifts led to a demand for reform that culminated in a 1907 federal law making it illegal for any corporation or national bank to make a contribution to any political campaign. That law, still on the books, has stopped open giving by corporations. But a thousand and one ways have been found to evade it. Corporations may urge their chief executives to give to a certain party, and give them bonuses or expense account allowances covering their gifts. Or gifts "in kind"—the services of a key official over the period of a campaign, or a public relations firm, or mailing equipment—may be given. One of the biggest loopholes, carried to new levels of sophistication in recent years, has been the political advertising book, published by the parties. Late last year, the Democrats published a slick 178-page book called "Toward an Age of Greatness."

The book was packed with $15,000-a-page advertisements from corporations, including scores of defense contractors and other industries regulated by the Government. The Republicans were planning a similar ad book for 1966, though one Republican Senator, John J. Williams of Delaware, urged his party to steer clear of what he called a "shakedown" of corporations doing business with the Government. The political ad books received a death blow, however, by an amendment incorporated in the President's 1966 tax bill at Williams' suggestion. The amendment specifically forbids corporations to claim deductions for ads in political journals as business expenses. Thus a corporation buying a $15,000 ad would have to pay for it out of profits—and could be subject to a stockholder's suit for unwarranted distribution of profits.

At least until recent years, the bulk of money from high corporate echelons going into politics was for the Republicans, The Democrats, on the other hand, have been the chief beneficiaries of money spent by labor unions in the political arena. Labor unions made their first serious entry into political spending in 1936, and have increased their outlays ever since. Well over 90% of this money has gone for the benefit of Democratic candidates.

During World War 2, the unions were prohibited from making direct political contributions, just as the corporations had been four decades before. But this prohibition on union political giving, which was then written into the 1947 Taft-Hartley Labor Act, did not extend to union political gifts in campaigns for nonfederal offices—Governors and other state officials and local posts. Nor did the law say anything about "voluntary" contributions by labor union members to political funds. The unions promptly set up satellite organizations, like the modern-day AFL–CIO Committee on Political Education (COPE), which receive "voluntary" gifts from labor union members and then spend the money directly on political campaigns. The unions have also labeled activities such as registration drives or sharply opinionated rundowns of the voting records of Congressmen as "educational." The courts have not intervened in the matter of

whether they are actually political expenditures.

While the dollar sums spent by the unions on direct political activity have climbed to a high of $3.8 million reported nationally in 1964, the spending on "educational" political activities has gone totally unreported. Moreover, the most valuable contribution of the unions to the Democrats may well lie in labor's registration drives rather than actual cash contributions to Democratic candidates.

For the better part of a century, the political parties have depended for a major portion of their income on large gifts from men and women of great wealth. In 1928, four rich men together contributed over $1 million to the Presidential campaign of Democrat Alfred E. Smith. In 1936, the DuPont and Pew families jointly gave over $1 million to the Republican Presidential campaign of Alfred Landon. In 1956, it was found that two-thirds of the 76 persons in the country worth $75 million or more had given to that year's Presidential campaign—virtually all to the Republicans at an average of $10,000 each. After the 1964 elections, it was found that members of 12 unusually wealthy families had given $591,426 to national political committees—$445,280 for the Republicans, $122,000 for the Democrats. The families included were DuPont, Field, Ford, Harriman, Lehman, Mellon, Olin, Pew, Reynolds, Rockefeller, Vanderbilt and Whitney.

The 1964 figures, however, suggested an interesting turn in the bulk of large contributions for politics. In 1960, 67.5% of the value of the political gifts of $10,000 or more reported nationally had gone to the Republicans. But in 1964, under the peculiar conditions of the Johnson-Goldwater race for the Presidency, the tables were turned and the Democrats took in 56% of the money in gifts over $10,000, to 41.6% for the Republicans.

The reversal was even more dramatic in the percentage of value in gifts over $500 which each party reported nationally. In 1956, only 44% of the Democratic campaign receipts were in sums of $500 or more. In 1960, the percentage rose to 59% and in 1964 to 69%. On the Republican side, by contrast, the percentage of gifts in this $500-and-above category shifted from 74% in 1956 to 58% in 1960 and only 28% in 1964. Thus the Democrats appear to be moving steadily toward greater dependence on the big contributors, while the Republicans are getting more and more money in small sums, less in large sums.

A major reason that big money is moving to the Democrats and small money to the Republicans is probably that the party in power—now the Democrats—always finds it easier to get contributions from wealthy men. But the fund-raising strategies of the parties have also played a part. In recent years, the Democrats have concentrated on such fund-raising devices as the $1,000-a-year "President's Club" of wealthy contributors which had about a 5,000 membership in 1964. Republicans, on the other hand, have been steadily expanding a $10-a-year sustaining fund operation of small gifts which they inaugurated in 1962. In 1964, Barry Goldwater's ideological appeal to strong conservatives helped widen the base of GOP support. A single, direct-mail appeal of 15 million pieces by the Republicans during the Goldwater campaign brought in 380,000 replies with $5.8 million enclosed. For 1966, Democrats have announced plans to beef up their small solicitations campaign to correct the image of a "fat cat" party. But they privately acknowledge doubts about how much money they will raise this way.

If the parties could raise the bulk of the money they need through small contributions, an age-old dream of political reformers would have come true: making the candidates and parties independent of the influence of extremely wealthy contributors with their own special interests. Big contributors act from many motives. A big giver may simply want to help a friend running for office, or be motivated by ideology alone. But there are also a host of less altruistic motives. A big donor may want to buy "access" to a public figure, so that he can at least get a full hearing from Government if his complex personal and business dealings require it. A lobbyist or industrialist with a specific, financial interst in certain Government policies may give to a candidate in the clear hope of influencing public policy.

Large donations to a political party inevitably cast a shadow on an Administration which supports laws favorable to the donors. In 1952, General Eisenhower campaigned in favor of the tidelands oil legislation. When the Congress later passed the tidelands bill and Mr. Eisenhower signed it, it was a source of political ammunition against the Republicans that the 22 largest oil companies had given more than $300,000 to the Party's war chests in that year. The Democrats have had the same guns turned on them with respect to their prolabor legislation and the support given them in campaigns by unions. The records of campaign giving are filled with instances of corporate leaders, lobbyists or unions making large contributions to politicians who could be of assistance to their cause at a later date. Many a newly elected Congressman has received a call shortly after his election from the representative of some special interest group congratulating him on his election and offering to pay off any remaining campaign debts—leaving the new lawmaker, of course, deeply indebted to the special interest.

And if it is difficult for a U.S. Senator or Representative to withstand these pressures, the situation is all the more difficult for the hard-pressed candidate for a local office who may be tempted to accept a few hundred dollars in return for his subsequent support on zoning, local purchases or highway contracting.

Thus rising interest has been evident in some kind of reform which would encourage small campaign contributions on such a wide scale that the major contributors would lose the special influence they've been able to wield in past years. President Kennedy's Commission on Campaign Costs recommended in 1962 that individuals be given a direct credit on their federal income tax for political contributions of up to $10 a year, or alternatively, a deduction from taxable income of several hundred dollars. President Johnson, after taking office, at first showed little interest in this type of reform. But in his January 1966 State of the Union address he said he would back tax incentives to stimulate small contributions to the political parties and "make it possible for those without personal wealth to enter public life without being obligated to a few large contributors." A Congressional Quarterly poll found that 89% of the Members of Congress would be in favor of a change in the income tax laws along these lines.

A second area of reform that Congress may be considering this year is tightening up the laws now on the books which require candidates and political parties to report on the amount of money they have received and spent in campaigns. As spelled out in the Corrupt Practices Act, approved by Congress in 1925, any political committee interested in federal elections which operates in more than one state must file regular reports in Washington of its receipts and expenditures. Candidates for the House and Senate must render a full report of all campaign money which they handle personally or which someone else handles for them with their "knowledge and consent." Senate candidates are limited to expenditures of $10,000 and House candidates to $2,500, though these totals may be increased to $25,000 and $5,000 respectively, depending on the number of votes cast in the last election. Under a law added in 1940, a ceiling of $3 million a year is set on spending by any national political committee.

These laws, however, are notorious for their loopholes. First of all, they require no reports whatever of spending in *Presidential primary campaigns*, or the battles at Presidential nominating conventions. While Congressional candidates are supposed to report what they spend in the general election campaign, *primary elections* are totally excluded—although in many states the crucial battle is in the primary. Nor is there any requirement for reports by a *political committee working in behalf of a candidate for the Senate or House*—though the great bulk of Congressional campaign expenditures are made in this manner, providing an infinitely expandable loophole. National political committees easily evade the $3 million limitation by setting up any number of front groups. Thus, in 1964, a "TV for Goldwater-Miller Committee" spent $2.7 million while the President's Club for Johnson Committee laid out an equally great sum—all in addition to the expenditures approaching $3 million reported by the Republican and Democratic National Committees.

Few laws in the history of the Republic have been so easy to get around. Political committees find all manner of ways to avoid reporting any gift or expenditures. In 1964, for instance, the Democrats obtained substantial funds on the state level, so that they never showed up in Washington reports. And the reports of candidates for the Senate and House are often a farce. Most candidates simply embrace the fiction that the committees which worked to elect them did so without the candidates' "knowledge and consent," so that a candidate only reports "personal" expenditures of an insignificantly small amount. Some report nothing at all. In 1964, four U.S. Senators reported they had neither received nor spent money in their campaigns: Senators VANCE HARTKE (D-Ind.), EDMUND S. MUSKIE (D-Maine), JOHN STENNIS (D-Miss.) and ROMAN L. HRUSKA (R-Neb.). Yet in at least three of these instances, the Senator had major opposition and major sums were spent to win re-election. Presumably others acting on their behalf spent it in ways not required to be reported.

Some candidates file no reports. In 1964, 38 House candidates—12 Democrats, 26 Republicans—failed to file the required reports with Congress.

The Corrupt Practices Act stipulates fines of up to two years in prison or a $10,000 fine for willful noncompliance. *Yet there has never been a single prosecution of a candidate for failure to report, or for false or incomplete reports, under the Corrupt Practices Act.* The stated policy of the Justice Department, spelled out in a 1963 letter to this writer, is "not to institute investigations into possible violations of (the Act) in the absence of a request from the Clerk of the House of Representatives or Secretary of the Senate." Those officials, chosen by a vote of the Representatives and Senators, have never referred any possible violations to the Justice Department. Plainly the law is not effective.

Over the years, various laws have been proposed to close some or all of the loopholes in the Corrupt Practices Act. Some have passed the Senate, but none has cleared the House. The outlook for any kind of reform action in 1966 was extremely dark until President Johnson, in a section of his State of the Union address that surprised most of official Washington, suggested substantial reforms in the field of election finance. The President

said he backed revision of "present unrealistic restrictions on (campaign) contributions—to prohibit the endless proliferation of committees, bringing state and local committees under the Act—to attach strong teeth and severe penalties to the requirement for full disclosure of contributions."

Thus, if Presidential backing can make the difference, there is a chance that the nation's most consistently evaded law may get a real facelifting some day. In the Congressional Quarterly poll, 88% of the Congressmen said they favored more thorough campaign spending requirements, covering both primaries and general elections.

Key points to watch, when Congress finally does get down to work on the problem, will be whether the requirements for reporting are extended to primary elections, both for Presidential and Congressional candidates; whether the multitudinous committees working for the candidates, as well as the candidates themselves, will be required to report; and whether responsibility for receiving spending reports and checking them for accuracy and completeness will be left in the hands of the politically chosen patronage employees on Capitol Hill or moved into the hands of a nonpartisan Government agency like the General Accounting Office, as the President's Commission on Campaign Costs recommended four years ago.

If Congress does act to stimulate small gifts to the parties and candidates by an income tax incentive, and then moves to revise the election finance reporting laws, the country will have made a real effort to make special interest groups count for less in the counsels of Government and put campaign spending out on the top of the table for all to see.

But it is beyond reason to expect the lawmakers to adopt a remedy which only satisfies the moral appetite of the people. Campaign costs being what they are, any remedy will still have to assure that the money will be forthcoming, or it, too, will fail.

THREATS OF PREMIER KY

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I would like to associate myself with the June 29, 1966, statement by 47 of my congressional colleagues deploring the threats of Premier Ky to carry the Vietnam war to China.

Premier Ky has no right to make such unilateral decisions which could bring about World War III and immediately jeopardize the lives of the hundreds of thousands of American boys in Vietnam.

Military experts from Gen. Douglas MacArthur to Gen. Maxwell Taylor have warned against the folly of a land war on the mainland of China with its 700 million inhabitants.

To provoke a war with China could well bring about nuclear holocaust and the end of modern civilization.

I congratulate my colleagues for expressing the sense of Congress against Premier Ky's rash remarks, and urge the President to strongly repudiate them. I regret that I was not here to join in their original statement.

SAIGON ELECTION PROCEDURES

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VIVIAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. VIVIAN. Mr. Speaker, 2 weeks ago, on July 19, I inserted in the RECORD, for the benefit of Members of this body, several news reports from South Vietnam expressing concern that its government, under Premier Ky, might unwisely try to rig the national elections set there for September 11. As I remarked at the time, Mr. Speaker, I consider these elections to be of enormous significance to every citizen of the United States, as well as to every Vietnamese citizen. Thus, I am anxious that the elections be conducted as fairly and openly as possible.

I am pleased at this time, therefore, to be able to bring to the attention of the Members a recent news report, published in yesterday's Christian Science Monitor, from its news correspondent in Saigon, who indicates that in Saigon the election procedures appear to be being carried out fairly and responsibly. Mr. Speaker, I ask unanimous consent that this article be printed at the conclusion of my remarks.

Let me remind Members, however, that in spite of my satisfaction that favorable reports are being heard on this situation, I believe it remains incumbent upon us to observe continuously and very closely the conduct of these elections in South Vietnam. We must be certain that the procedures are being followed fairly in the rural provinces, as well as in Saigon. We must be sure that no candidates already named who have significant support are disqualified by the Government for political reasons. And we must be sure that each candidate receives a fair chance to present his views, without harassment, to his electorate.

[From the Christian Science Monitor, Aug. 1, 1966]

CANDIDATES HURDLE BAR TO VIET POLL

(By John Dillin)

SAIGON.—Twenty-five out of 26 slates of candidates have leaped the first hurdle in Saigon to qualify for the upcoming National Assembly elections, it has been learned on good authority.

The source said only a single slate of five candidates was disqualified by the local review board.

If true, this indicates that the government of Premier Nguyen Cao Ky may be judging potential candidates with a relatively lenient eye. That would be a good sign for those supporting honest elections here.

The source said the disqualified slate was struck because two of the candidates engaged in "questionable activities." But the source did not know what these alleged activities were.

The disqualified candidates still have the opportunity to appeal the local council's decision. Under Vietnamese law, all lists of candidates are first reviewed locally to make sure they have met the qualifications for office. Then, on July 28, the review boards all over the country were to send the approved lists of candidates to a central council.

DISMISSAL GROUNDS

This council will have until Aug. 8 to review the lists and to hear complaints from those disqualified earlier. On Aug. 12 the final lists of candidates are to be posted.

However, this process of judging the candidates' qualifications is filled with pitfalls. The bases of judgment are sweeping and open to very broad interpretations.

For example, candidates can be disqualified "who have directly or indirectly worked for the Communists or pro-Communists neutralists, or neutralists whose actions are advantageous to the Communists."

Such phrases in the election law have led to widespread speculation in the local press that many, if not almost all, of the potential candidates would be struck. One leading newspaper had said it expected at least 60 percent of the candidates in Saigon would be eliminated.

But apparently this is not to be the case.

ELECTION CRITICIZED

If the 25 lists of candidates for Saigon are also approved by the central council, it could partially undermine some of the opposition which has developed to the election among various religious, labor, and political groups.

They have contended vigorously in the past month that the election was to be a fraud. Rumor has been rampant that the "khaki party" would dominate the election around the country.

However, only a few of the 130 candidates approved to run for Saigon's 16 seats are military men. The lists span a wide range of the city's citizenry.

One list is comprised of city councilmen. Another consists largely of businessmen of Chinese origin. There are leading journalists, such as Dr. Dang Van Sung, publisher of the leading newspaper Chinh Luan. There are teachers and professors, a building contractor, civil servants, doctors, and numerous others.

GREATER FEDERAL EFFORT SHOULD BE MADE FOR CHILDREN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 30 minutes.

Mr. FOGARTY. Mr. Speaker, as chairman of the subcommittee that hears the request of the Department of Health, Education, and Welfare for appropriations, I have become increasingly aware that, on balance, too little of our Federal effort is going to our children. Childhood is the time for prevention of problems—the period during which we should try to prevent lasting damage to a child or, in order to prevent future damage, to meet as effectively as possible those losses to which children are vulnerable which are not avoidable. Because of this awareness, and after careful discussion with people in my own State who are knowledgeable about child welfare, I am today introducing legislation to strengthen and expand the Federal program providing child welfare services, authorized by title V, part 3 of the Social Security Act.

The Federal Government has long accepted responsibility for substantial help to the aged, the disabled, the widowed, the blind, the sick, and the child living in his own family when he is in

financial need as the result of parental inability to care for him. But the Federal Government has failed to offer comparable help to the States in meeting the heavy costs of care of children who suffer from the devastating effects of family disorganization and breakdown, and which result in neglect, abuse, exploitation, delinquency, emotional disturbance, and a host of other psychological and behavioral difficulties. Child welfare services, which both supplement and substitute for parental care and supervision, are the primary defense for children who are in need of protection, care, and physical and emotional sustenance. These children can be helped only through a true partnership of Federal, State, and local governments, yet the costs involved in providing the necessary care, whether within or outside their own homes are a heavy drain on State funds. There are many costs included in child welfare services, such as those for safeguarding abused or neglected children, those for foster care, day care, homemaker services, as well as personnel for licensing, supervising and directing the programs. The Federal Government meets only about 10 percent of the total. In 1965, State and local governments provided approximately $318 million for all public child-welfare services, while the Federal Government provided about $34 million.

Child welfare services should be available to all children through State and local public welfare agencies, to help to prevent family breakdown and unnecessary separation of children from parents. Through the skilled intervention of a child welfare caseworker, a combination of casework counseling and the use of such community facilities as homemaker service and day care services may prevent the destructive experience of a child being separated from his family. On the other hand, some children have no homes. Others cannot remain in inadequate or dangerous home situations. For some of these, the public child welfare agency can offer adoption and a permanent home. For many others, foster families or group care facilities may be necessary, especially for the most deprived young children, the handicapped and older children and youth, until they are able to take responsibility for their own lives.

Children receiving public child welfare services today are not the orphans that agencies frequently served in the past. About 10,000 of these children, less than 2 percent, have lost both parents by death. Currently, the majority are the helpless victims of a complex society which for all its magnificence, also contains immature and inadequate parents, often themselves damaged by harmful family conditions. It is estimated that at least 10,000 child abuse cases annually result from injury inflicted on children by their own parents, and this figure represents only 10 percent of the larger problem of child neglect. A recent study of newspaper reports indicates that at least 500 children are killed each year.

The bill I am introducing is designed to give today's children a second chance—a chance to escape this vicious cycle. We want them to grow up to be good parents and good citizens. This bill represents a vital investment in the future.

Just to pinpoint the terrible plight of these victims of family disaster and the high quality of one service alone—foster family care—required to reverse the damage they have sustained, I would like to give you two examples from my own State:

In 1963, the Rhode Island Child Welfare Services Division of the State Department of Social Welfare had to place on an emergency basis, a family of 7 children whose ages were from 5 to 16 years. Their father had become mentally ill and had killed the mother. He was placed in a State mental hospital. The children required intensive help to overcome the shock of their experience. They will continue to need extended foster care.

A mother deserted two boys, ages 5 and 7 and the father attempted to care for them. However, he had to be hospitalized. On examination, it was found that both boys had tumors of the spine requiring extensive medical care and a special foster family who could understand and work with the ensuing medical and convalescent problems.

I am sure that there are similar cases in every State in the Nation, Rhode Island was able to give immediate service, but I understand that because of the lack of funds, other States are not always able to accept all children needing service. Expenditures for foster care of children in 1965 were about $229 million. State and local governments met 98 percent of this cost.

Many children have difficulties in adjusting because of their experiences, their personalities, and their complex needs. It is apparent from the problems and ages of these children, that there is an enormous need for a wide range of child welfare services and facilities to care for them and heal their hurts. Therefore, the bill that I am introducing provides for the Federal Government to share in costs of these services and facilities. When a child needs to live in a certain kind of foster family or in a certain kind of group care facility it will be possible to provide the living experience which he needs. When a distraught mother begs for help in coping with her retarded child, that cry can be heeded. The bill also provides for Federal matching of costs for child welfare staff on the same basis as already provided for public assistance staff.

Our children are growing up now. They cannot wait. There is a great need for Federal help. I do not know the number of children needing help but not being served, but I do know that in 1965, 34 percent of the counties in our Nation did not have full-time public child welfare services available. On March 31, 1965, 531,200 children were receiving child welfare services from departments of public welfare, a 9-percent increase over the previous year. On this same day, 283,300 children lived in foster family homes or institutions for dependent children, a 15-percent increase. In 1975, according to the mandate of this Congress, child welfare services, including foster care, must be available throughout every State for all children in need of such services. It is extremely doubtful that the States, despite their efforts accelerated by this stimulating congressional action, can reach this important goal without much more substantial financial help from the Federal Government.

Provision of money for personnel, educational leave, and administrative costs, as well as for payment for direct care of children, is extremely vital. As I have illustrated, many children needing care have already endured in their short lives much neglect, inconsistency of treatment, or abuse. These children are difficult to help and require child welfare workers who are trained and who can concentrate their skills on a reasonably limited number of children, so that they can work at the same time to help the natural parents, the child, and the foster parents or child care staff. It requires specialized training and adequate time to provide these children an even break to develop their true potential. To develop these skills in their staffs, and at the same time to help meet the critical manpower shortage, this bill will help States to provide educational leave for staff and to pay other costs of training personnel. The shortage of child welfare personnel has been underscored in the recent report of the Department of Health, Education, and Welfare Task Force on Social Work Education and Manpower, which revealed that an additional 10,000 child welfare staff will be needed by 1970, almost double the number presently employed.

In their report to the Secretary of Health, Education, and Welfare, submitted on June 29, 1966, the Advisory Council on Public Welfare, authorized by the 1962 Public Welfare Amendments, declared:

> The existing program of child welfare services, authorized by Title V of the Social Security Act and State legislative enactments, has pioneered in the provision of services for children and youth but its coverage is so spotty, both geographically and in scope of benefits, that it offers little guarantee of protection to a large number of the nation's children. Some of the most vulnerable, especially children in minority groups who need it most, have had the least protection. Adapting to these needs and deprivations as best they can, today's neglected children become tomorrow's social problems.
>
> This is a national problem and a national responsibility. For all these reasons, the Advisory Council on Public Welfare recognizes that child welfare services constitute a major component in the proposed comprehensive program of social guarantees.

The Advisory Council has recommended basic and far-reaching changes in public welfare. Among their recommendations for immediate action is the following:

> Costs of certain expenses in the administration of child welfare and youth services (including professional staff and their immediate supporting clerical staff, and costs of professional education) should be financed

immediately on the same open-ended matched basis as provided for comparable State costs in the administration of Title IV of the Social Security Act (Aid to Families with Dependent Children) and the Federal government should establish adequate standards for all such services.

This measure is urgently needed to equalize, to a greater degree, Federal responsibility in the provision of services to children and youth since the Federal government now carries a far greater share in the costs of personnel and training in the administration of Aid to Families with Dependent Children than for Child Welfare Services.

The increase in the number of children coming to the attention of public child welfare agencies nationally is reflected by developments in my own State of Rhode Island. The rate of children served by the State department of social welfare has steadily increased from 1960 to 1965. There was a 138-percent increase in the rate of services initiated for children, a 111-percent increase in the volume of children served, and a 75-percent increase in children being served at the end of the fiscal year. In foster care, for example, the department is providing foster care for over a thousand children, a 25-percent increase since 1961.

It cost over a million and a half dollars in 1965 to provide public child welfare services to Rhode Island's children, one-third of which was expended in our O'Rourke Children's Center, which I visited last fall. No Federal funds are used in Rhode Island for the payment of foster care costs or for operating the children's center, which means that these costs are borne entirely by State funds since there are no local funds. Lack of funds is delaying the development of special foster family and group homes to care for an increasing number of mentally retarded, emotionally disturbed, physically handicapped, and predelinquent children who need such resources. Insufficient funds are preventing us from paying higher board rates for regular foster home care, from acquiring more and better trained workers and supervisors, and from properly expanding our adoption and family day care programs, among other things.

To illustrate further, in Rhode Island, payments to foster families currently average less than $2 a day for food and maintenance of children, scarcely enough to meet minimal health standards of basic needs, and nothing at all to the foster mother for her time and devotion. This is one reason why the recruitment of foster homes is becoming difficult. Many pressures are leading more mothers into employment in order to increase the family income thereby reducing the number available to accept foster children in their homes.

The bill I am introducing would enable the Federal Government to provide an expanded program to assist State public welfare agencies in meeting the costs of child welfare services, including the crushing costs of foster care, and to provide special project grants for developing new and necessary child welfare resources.

Each State would receive Federal funds to pay for part of the cost of child welfare services for children who are the responsibility of the State or local public welfare agency. Purchase of care from voluntary agencies is also included. Payments would be on a variable matching basis according to a State's per capita income and with Federal participation ranging from 50 to 83 percent.

The Federal Government would match 75 percent of salary and training costs of personnel employed or preparing for employment.

In order to make sure that the additional Federal moneys made available by the bill will be used to strengthen and expand the child welfare program, the legislation requires that State and local expenditures for child welfare services may not be less than such expenditures for the year ending June 30, 1966.

In addition, because I think it is essential to encourage new and different ideas and to try them out, Federal project grants would be available for developing and maintaining new or experimental forms of child welfare services, including services for children with special needs. If our services are to meet the needs of children with special problems, the mentally retarded child, the child of a minority group in need of adoption, the homeless child needing emergency shelter and care, project funds must be available to develop and provide such services.

Clearly, from the facts I have presented, substantial help from the Federal Government for child welfare services is urgent. I would hope that every effort will be made to bring this legislation before the full House at an early date.

WALTER J. TUOHY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, the recent death of Walter J. Tuohy was a great loss to the American railroad industry. Mr. Tuohy, the chief executive officer of the combined Baltimore & Ohio and Chesapeake & Ohio Railroads, was said to have been called, "my favorite railroad president," by President Johnson. Vice President HUMPHREY, on learning of Mr. Tuohy's death said:

Walter was a remarkable man—able and talented, and a dear and good friend.

But the charm and consideration which inspired these comments were not reserved for men of power and position. Ted DeAlba, the assistant trainmaster at Huntington, W. Va., recalls:

He was never too busy to stop and pass the time with other railroaders. Maybe you've heard of the time Mr. Tuohy was in Chicago and they were holding the train for him, but a porter, who knew he was passing through, had brought his several children to the station to meet him. Well, sir, Mr. Tuohy stopped and shook hands and talked with each child and told the reporter what a fine-looking family he had. Mr. Tuohy just wouldn't brush that man aside. . . .

Retired yard conductor, Wayne Bevard and Mrs. Bevard of Toledo, Ohio, give another example of Mr. Tuohy's consideration:

He never forgot us retired railroaders. When we met him at Veterans' Meetings, he always took time to shake hands and talk. He was a really big man, even if he wasn't tall. We'll miss him at Christmas when he always sent a card.

Mr. Tuohy himself had a modest background. The son of a police sergeant on Chicago's South Side, Walter Tuohy had to leave school at the age of 16 to help support his family. In the daytime he worked in the Chicago Freight Office of the Illinois Central Railroad, while at night he went to school, where he earned a high school diploma, a college degree and a law degree. He rose to be president of the Chicago-based Globe Coal Co., vice president of the Chesapeake & Ohio for coal traffic, Assistant Deputy Administrator of Mines in the Department of the Interior, and finally, president of the Chesapeake & Ohio.

In 1961, Mr. Tuohy's achievement was recognized by the presentation to him of the Horatio Alger Award for "Americans whose careers typify individual initiative, hard work, and honesty in the tradition of the Horatio Alger novels."

The Reverend Father O'Malley, who delivered Mr. Tuohy's eulogy referred to this and another award when he said:

The qualities of his character were recognized by the honors and awards given him throughout his life. They were underscored by the Pope in naming him a Knight of Malta; by his peers in naming him for the Horatio Alger Award in 1961. Something of his true stature and personality is revealed in a letter he wrote me wherein he said, "The real joy of these honors came, not as a personal recognition, but for family, friends, and associates. Whatever tribute is due came because of others."

The qualities to which Father O'Malley refers were well known in my home city of Cleveland where Mr. Tuohy maintained his residence and headquarters. He had an office in Cleveland's Terminal Tower where he knew the first names of every elevator operator as well as the names of their children.

President Johnson stated that:

Walter Tuohy brought great dedication and ability to all his responsibilities. He will be greatly missed by all of us who knew him.

We in Cleveland will miss him especially—and extend sympathy to his family, friends, and associates.

Mr. Speaker, I insert in the RECORD at this point an editorial from the May-June issue of Brierchat, an excellent editorial on the life of Walter J. Tuohy, 1901–1966:

WALTER J. TUOHY, 1901–1966

"And now abideth faith, hope, love, these three; but the greatest of these is love."—St. Paul's greeting to the Corinthians

Of all the wonderful qualities Walter Tuohy possessed, the greatest was love of his fellow man—for he rightly assigned to everyone, that individual's creation in the image and likeness of God.

As he rose from obscurity to become one of the truly outstanding business leaders of our time, his relationship with people, his total involvement with them, will mark him in men's memory.

The President of John Carroll University said of him—"few men have left a richer legacy of love than Walter Tuohy. A deeply spiritual person, he had a regard for his fellow man that never left him from his humble beginnings to the great heights he attained in his outstanding business career."

Reverend O'Malley, delivering the funeral eulogy said, "the qualities of his character were recognized by the honors and awards given him throughout his life. They were underscored by the Pope in naming him a Knight of Malta; by his peers in naming him for the Horatio Alger Award in 1961. Something of his true stature and personality is revealed in a letter he wrote me wherein he said, 'the real joy of these honors came, not as a personal recognition, but for family, friends and associates. Whatever tribute was due came because of others.' "

Supreme Court Justice Thomas Clark wrote, "Walter Tuohy was a member of the construction crew, not the wrecking gang."

President Lyndon B. Johnson stated, "Walter Tuohy brought great dedication and ability to all of his responsibilities. He will be greatly missed by all of us who knew him."

He demanded more of himself than he asked of others. He was always thoughtful, kind and considerate in his relationship with associates yet strong as hardened steel whenever the situation demanded it. His energy, enthusiasm, his zest for life were integral parts of Walter Tuohy. I wish it were possible to fully transmit his feeling for The Greenbrier . . . as often revealed to me . . . to each one of the 1,130 men and women on our staff today. He had, of course, a personal love of its beauty and enjoyment of its comfort and service. He knew it as a place of recreation and relaxation. He let each of us—as many can testify—know that he loved to come here, and thereby added to our pride in being a part of it.

There were many long, trying years, when the Railroad found The Greenbrier a financial burden. It took Walter Tuohy's faith, confidence, leadership, and his unique ability to inspire others, to guide us through the years of expansion of our facilities to bring The Greenbrier to profitable operation.

In the light of the tremendous responsibilities which were his as President of a great Railroad, the warmth of his interest in The Greenbrier was always encouraging, and the depth and scope of his grasp of the problems of a large resort operation often amazed me. His concern and devoted interest grew with the years. No matter how involved and difficult the legal, financial, and political problems of railroad merger became, he seemed never to falter in his devotion to The Greenbrier; actually a very minor segment of his corporate responsibilities.

He made us feel that The Greenbrier was his pride and joy. He treasured the, all too few, hours of recreation that were his here. He found it an impressive place for conferences. He saw it as a "status symbol" for the C&O-B&O system. He felt with its age and historical association, "White Sulphur" had an obligation to carry on the finest American traditions of hospitality. This unique legacy of Walter Tuohy is left in our trust.

His constant thoughtfulness, encouragement, and staunch friendship, to me personally will never be forgotten. But I speak for each of us at The Greenbrier . . . Walter Tuohy enriched our lives. He was never too busy for a personal greeting, a warm handshake, and he called us by name. It is our privilege to have known him. We can be certain his message to us would be, in railroad parlance—"clear signal!"—full speed ahead!

—E. TRUMAN WRIGHT.

FLOWERS FOR LUCI BAINES JOHNSON'S WEDDING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. MAHON] is recognized for 10 minutes.

Mr. MAHON. Mr. Speaker, a few moments ago in the House, the gentleman from Florida [Mr. CRAMER], was on the floor discussing the airline strike. He yielded to the gentleman from California [Mr. YOUNGER]. The gentleman from California [Mr. YOUNGER] read a telegram from Mr. Bill Enomoto, of Redwood City, Calif., to the effect that the flowers for the Luci Baines Johnson wedding were being flown by Government aircraft while others are denied transportation.

The telegram, of course, will appear in the RECORD. I do not have the exact wording before me at the moment.

I made appropriate inquiry of Government agencies as to whether or not this allegation by Mr. Enomoto was true, and I was told categorically that it was not true, that none of the flowers were being flown from California in Government aircraft. I was given the name of the person who is arranging for the flowers and I was given the airline routing for the flowers. It was stated that the flowers are scheduled to be flown on American Airlines from San Francisco to Los Angeles and thence to Washington.

I was able to get Mr. Enomoto, the head of the Farm Bureau for San Mateo County, Calif., the sender of the telegram, on the telephone. I told him that his telegram had been read to the House, explaining to him that as chairman of the Appropriations Committee I was interested in the proper expenditure of Government funds, and I wanted to know the facts about these flowers allegedly being flown here for the wedding at Government expense.

Mr. Enomoto said that when he wrote the telegram he was very angry over the fact that the airline strike was causing flower growers in the area to lose large sums of money. He said that he had no proof that the flowers for the wedding were being flown to Washington in a Government plane.

Mr. Enomoto said that his charge in regard to the flowers was based on a "wild rumor" and that he did not have anything to substantiate it. He further said that he would like to retract the statement and he asked me to help him see that the statement was retracted. I told him that I would quote to the House, now in session, that he wished to retract the statement as to the transportation of the flowers for the wedding. I told him that his statement was already on the press wires blanketing the country and that in my judgment it might be difficult for the retraction to catch up with the original story, or words to that effect.

After my conversation with Mr. Enomoto, I went to Mr. YOUNGER on the floor of the House and told him that I felt I should follow through on the request of Mr. Enomoto that his statement be publicly retracted. I make this statement here today. In fairness I could not do otherwise.

Of course, I think we have other matters of importance to discuss here, but I think the people of the country want the flowers brought here for this historic wedding. All the world loves a lover.

I did feel that since Mr. Enomoto wanted to retract his statement and had no substantiating evidence, and since I could find no substantiating evidence from any sources in the Government, it was only fair to young Luci and Pat, whom I know quite well, to make this statement.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding. I also appreciate his having made his investigation so that this allegation, which was unfortunately made here on the floor of House, can be refuted.

I, for one, want to reject it as far as it may be attributed to any Member on this side. I believe we have here a very attractive young couple. I am proud indeed that the groom comes from my district in Illinois. I know the Members are interested, as the whole Nation is, in the couple having a happy and long and successful marriage. Any suggestion which would in any way detract from the significant and historic and lovely ceremony, I believe, is most unfortunate.

I regret that the incident occurred. I am happy that the gentleman from Texas has ascertained the truth, so that the matter does not reflect in any way upon the ceremony which is to take place on Saturday.

Mr. MAHON. I thank the gentleman for his remarks.

Mr. FARNUM. Mr. Speaker, will the gentleman yield?

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. FARNUM. Mr. Speaker, I take this opportunity to commend the distinguished chairman of the Appropriations Committee for pursuing this matter, as he does all matters, to make sure that public funds are being used only for the purposes for which they are intended.

Mr. MAHON. I thank the gentleman from Michigan. I can only tell the House what I have been told. I felt that I should report that I had talked with the man who sent the telegram and that he had asked to retract the charge. The officials of the executive branch with whom I have talked have repudiated the allegation and state that the flowers are not being brought here by Government plane.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I thank the gentleman for clarifying this issue. At the same time, in defense of the Member who brought this telegram to the attention of this House, I am sure all of us will agree that there was not any attempt on his part to mislead anyone. We—as Members on both sides of the aisle always do—try to diligently pursue the matters that are brought to our attention by our constituents. I appreciate

the position of our distinguished chairman of the Appropriations Committee, but at the same time I want to say that in behalf of the gentleman from California [Mr. YOUNGER].

Mr. MAHON. Mr. Speaker, I would say that any of us, before we bring any discredit upon a lovely couple about to enter upon a sacred union, should check our facts before making any statement.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I am pleased the gentleman is able, without too much trouble, to get information concerning the use of military planes.

I have had a great deal of difficulty recently, in the last several months, in obtaining information as to the use of military planes. I now know where I can come to find out whether military planes are being used, and, if so, for what purpose, and the cost of the operation of the military planes.

Mr. MAHON. My major source of information was a private citizen, the head of the Farm Bureau of San Mateo County, Calif. I am sure needed information can be made available.

Mr. GROSS. I am speaking of the information that is not made available in some instances with regard to the operation of military planes by the executive branch of the Government.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. I believe we should not lose track of the real question in these diversionary remarks which I have just heard. The real question is that the statement previously made would bring unhappiness to the young couple about to be married. She happens to be the President's daughter, but it would be the same for any other daughter of any other mother and father, and for the young man engaged to her.

The gentleman from Texas has done a noble thing in exposing the falsity of the statements made by the original source.

As a matter of fact, if I get a telegram of that kind, and if I am going to make a statement, I am going to make it on my own responsibility, based upon my own investigation, if I feel I should make the statement.

The important thing is that the allegation made would create distress, and would create in the minds of a lot of people throughout the country a wrong impression, an emotional state of mind.

We have to be practical, and we must realize that there are some warped minds in the United States as well as throughout the world—a few of them.

The gentleman from Texas, the chairman of the Appropriations Committee, has done a fine, noble piece of work, outside of the fact that the Federal Government is not paying for the transportation, by bringing the maximum happiness possible to the young couple. In the light of that, the statement should never have been made by any Member of this House.

Mr. MAHON. Let us conclude by saying, "Happy, happy wedding day."

Thank you, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MAHON, for 10 minutes, today.

Mr. BOW, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. GUBSER (at the request of Mr. WATSON), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. WATSON), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FOGARTY (at the request of Mr. FARNUM), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. FEIGHAN (at the request of Mr. FARNUM), for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. HOLIFIELD, for 30 minutes, today; and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ULLMAN.

Mr. LEGGETT.

(The following Members (at the request of Mr. FARNUM) and to include extraneous matter:)

Mr. ROSENTHAL.

Mr. RONCALIO.

Mr. EDWARDS of California.

Mr. WELTNER.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2412. An act to terminate use restriction on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of other States, signed on August 27, 1965, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;

H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;

H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes;

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial;

H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes; and

H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

ADJOURNMENT

Mr. FARNUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 3, 1966 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2603. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish the National Park Foundation; to the Committee on Interior and Insular Affairs.

2604. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2605. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases of certain aliens found admissible to the United States, pursuant to the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2606. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2607. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised, pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2608. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved, according the beneficiaries third preference and

sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2609. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 7, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Cohasset Harbor, Mass., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; no authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Work.

2610. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 6, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Queens Creek, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 24, 1960; no authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Thirty-fifth report pertaining to Defense contract audits (reorganization of the Defense Accounting and Auditing Division of the General Accounting Office) (Rept. No. 1796). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 5852. A bill to amend title 38 of the United States Code with respect to the basis on which certain dependency and indemnity compensation will be computed; with amendment (Rept. No. 1797). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12723. A bill to amend chapter 17 of title 38, United States Code, to provide medical treatment and services, and drugs and medicines to those veterans receiving additional pension under old law pension provisions based on need for regular aid and attendance; with amendment (Rept. No. 1798). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 12352. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to Pinellas County, Fla.; with amendment (Rept. No. 1799). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9520. A bill to authorize the Secretary of the Interior to convey certain lands in Inyo County, Calif., to the personal representative of the estate of Gwilym L. Morris, Dolores G. Morris, George D. Ishmael, and Verna H. Ishmael (Rept. No. 1800). Referred to the Committee of the Whole House.

Mr. DAWSON: Committee on Government Operations. House Joint Resolution 1207. Joint resolution to authorize the Administrator of General Services to accept title to the John Fitzgerald Kennedy Library, and for other purposes (Rept. No. 1801). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 16757. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16758. Social Security Amendments of 1966; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 16759. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 16760. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 16761. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to municipalities and to volunteer fire fighting organizations, and for other purposes; to the Committee on Government Operations.

By Mr. GUBSER:

H.R. 16762. A bill to provide for the issuance of a special postage stamp bearing the inscription, "Law and Order, the Essence of Liberty," and the likeliness of a police officer to symbolize the role played by all of the Nation's law enforcement officers in the preservation of liberty; to the Committee on Post Office and Civil Service.

By Mr. JARMAN:

H.R. 16763. A bill amending the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 16764. A bill to amend the Export Control Act of 1949 to remove restrictions on the exportation of cattle hides and calf and kip skins from Hawaii; to the Committee on Banking and Currency.

By Mr. PHILBIN:

H.R. 16765. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RACE:

H.R. 16766. A bill to amend title 39, United States Code, to provide for door delivery service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES:

H.R. 16767. A bill to establish a Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RONCALIO:

H.R. 16768. A bill to authorize the establishment of the Sheep Mountain National Monument in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 16769. A bill to amend title 38 of the United States Code so as to increase rates of pension payable to certain veterans and their widows and to liberalize and make more equitable the provisions of that title relating to the payment of pensions; to the Committee on Veterans' Affairs.

By Mr. SCHNEEBELI:

H.R. 16770. A bill to continue for a temporary period the existing suspension of duty on manganese ore and related products; to the Committee on Ways and Means.

By Mr. SENNER:

H.R. 16771. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. VIVIAN:

H.R. 16772. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. WATSON:

H.R. 16773. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 16774. A bill to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 16775. A bill to amend section 114(b) of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. REINECKE:

H.R. 16776. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16777. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 16778. A bill to amend the Internal Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. GILLIGAN:

H.R. 16779. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 16780. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 16781. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 16782. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on certain real property owned by foreign governments; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H.R. 16783. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 16784. A bill to establish a system for the sharing of certain Federal tax receipts with the States; to the Committee on Ways and Means.

By Mr. GOODELL:
H.J. Res. 1253. Joint resolution to provide for the establishment of a Commission on National Defense Policy; to the Committee on Armed Services.
By Mr. GUBSER:
H.J. Res. 1254. Joint resolution to establish an Atlantic Union delegation; to the Committee on Foreign Affairs.
By Mr. KREBS:
H.J. Res. 1255. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. RACE:
H.J. Res. 1256. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. DOW:
H.J. Res. 1257. Joint resolution to authorize the President to proclaim the last week in October of each year as "National Water Awareness Week"; to the Committee on the Judiciary.
By Mr. ROSENTHAL:
H. Con. Res. 946. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.
By Mr. BENNETT:
H. Res. 954. Resolution to create a permanent Select Committee on Standards and Conduct; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:
H.R. 16785. A bill for the relief of Barbara Wilson; to the Committee on the Judiciary.
By Mr. BROWN of California:
H.R. 16786. A bill for the relief of Zenon Hernandez Betanzos; to the Committee on the Judiciary.
By Mr. CLARK:
H.R. 16787. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; to the Committee on the Judiciary.
By Mr. MINISH:
H.R. 16788. A bill for the relief of Frank I. Mellin, Jr.; to the Committee on the Judiciary.
By Mr. ROGERS of Colorado:
H.R. 16789. A bill for the relief of Harry Bush; to the Committee on the Judiciary.
By Mr. TUNNEY:
H.R. 16790. A bill for the relief of Mrs. Marie J. Saladino; to the Committee on the Judiciary.

SENATE

TUESDAY, AUGUST 2, 1966

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, who hast set a restlessness in our hearts, and made us all seekers after that which we can never fully find, forbid us to be satisfied with what we make of life. Draw us from base content, and set our eyes on far-off goals. Keep us at tasks too hard for us, that we may be driven to Thee for strength. Deliver us from fretfulness and self-pity; make us sure of the goal we cannot see, and of the hidden good in the world.

Open our eyes to simple beauty all around us, and our hearts to the loveliness men hide from us because we do not try enough to understand them.

Save us from ourselves, and show us a vision of a world made new. May the spirit of peace and illumination so enlighten our minds that all life shall glow with new meaning and new purpose; through Jesus Christ our Lord. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 1, 1966, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of August 1, 1966,

Mr. CLARK, from the Committee on Labor and Public Welfare, reported on August 1, 1966, an original joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, and submitted a report (No. 1424) thereon, together with the individual views of Mr. DOMINICK, Mr. FANNIN, and Mr. MURPHY, which joint resolution was read twice by its title, and placed on the calendar, and the report was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On July 30, 1966:
S. 3093. An act to amend the act of March 3, 1931, and October 9, 1962, relating to the furnishing of books and other materials to the blind so as to authorize the furnishing of such books and other materials to other handicapped persons.
On August 1, 1966:
S. 2948. An act to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;
S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California;
S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of other States, signed on August 27, 1965, and for other purposes;
H.R. 3013. An act to amend title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the Armed Forces who lost or lose their lives in war or as a result of cold war incidents;
H.R. 11980. An act to authorize the Secretary of the Army to donate two obsolete German weapons to the Federal Republic of Germany;
H.R. 12031. An act to authorize the appointment of Col. William W. Watkin, Jr., professor, of the U.S. Military Academy, in the grade of lieutenant colonel, Regular Army, and for other purposes; and
H.R. 13374. An act to amend title 10, United States Code, to authorize the award of trophies for the recognition of special accomplishments related to the Armed Forces, and for other purposes.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on today, August 2, 1966, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 12389. An act to increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial; and
H.R. 15225. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

APPOINTMENT OF DELEGATES TO THE 55TH FALL CONFERENCE OF THE INTER-PARLIAMENTARY UNION, TO BE HELD IN TEHERAN, SEPTEMBER 27 TO OCTOBER 4, 1966

The VICE PRESIDENT. The Chair, pursuant to Public Law 74–170, appoints the following Senators as delegates to the 55th fall conference of the Inter-Parliamentary Union, to be held in Teheran on September 27 to October 4, 1966: HERMAN E. TALMADGE, A. WILLIS ROBERTSON, ALAN BIBLE, EDWARD V. LONG, RALPH YARBOROUGH, PHILIP A. HART, BOURKE B. HICKENLOOPER, HUGH SCOTT, HIRAM L. FONG, THOMAS H. KUCHEL, and MILWARD L. SIMPSON, alternate.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

IMPROVEMENT OF AIDS TO NAVIGATIONS SERVICES OF THE COAST GUARD

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed

legislation to improve the aids to navigation services of the Coast Guard (with accompanying papers); to the Committee on Commerce.

REPORT ON REFUGEE-ESCAPEES PAROLED INTO THE UNITED STATES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on refugee-escapees paroled into the United States (with accompanying papers); to the Committee on the Judiciary.

THE UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1425)

Mr. LONG of Louisiana. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program. I ask unanimous consent that the report be printed, together with the minority view of Senators WILLIAMS of Delaware, BENNETT, MORTON, CARLSON, CURTIS, and DIRKSEN.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3680. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the Danville Junior College, Danville, Ill.; to the Committee on Government Operations.

By Mr. McCLELLAN (by request):

S. 3681. A bill to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. MCCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. HARRIS):

S. 3682. A bill to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder; to the Committee on Finance.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and the Permanent Subcommittee on Investigations of the Committee on Government Operations were authorized to meet during the sessions of the Senate today.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ORDER FOR CONSIDERATION OF JOINT RESOLUTION DEALING WITH AIRLINE STRIKE AT CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Senate Joint Resolution 186, Calendar No. 1389, the airline labor dispute measure, be laid down and made the pending business.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

TRIBUTE TO MRS. MARY FRANCILLO FRAZIER, MOTHER OF THE SECRETARY OF THE SENATE

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate the death of the mother of our distinguished Secretary of the Senate.

Mrs. Mary Francillo Frazier, the mother of Emery Frazier, died last night at the age of 94.

I know that she was very proud of her son who has performed such outstanding service in this body for so many years.

To him I wish to extend my sincere regrets and deepest sympathy in his hour of sorrow.

UNFAIR COMPETITION ACT OF 1966

Mr. McCLELLAN. Mr. President, by request, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I introduce, for appropriate reference, a bill to amend the Trademark Act of 1946. This measure which is to be cited as the Unfair Competition Act of 1966 has been drafted by the National Coordinating Committee on Trademark and Unfair Competition Matters, composed of a number of bar and business associations.

The basic purpose of the legislation is to create a Federal statutory law of unfair competition affecting interstate commerce, within the framework of the Lanham Trademark Act of 1946. The bill would accomplish this purpose mainly by expanding section 43(a) of that act, which already creates a statutory claim for relief from false designations of origin or false representations as to goods sold in interstate commerce, to include other torts commonly recognized as part of the law of unfair competition. Relief against those torts would be available in accordance with the existing remedies now set forth in the Lanham Act.

I introduce this bill to facilitate study of this important subject. I have reached no final decision concerning its provisions. I invite those who are interested to submit comments to the Subcommittee on Patents, Trademarks, and Copyrights.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3681) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADJUSTMENT OF OVERPAYMENTS AND UNDERPAYMENTS OF BENEFITS UNDER TITLE II OF SOCIAL SECURITY ACT

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, on behalf of myself and Senator HARRIS, legislation to eliminate a legal roadblock which prevents payment of social security benefits owed to families of deceased beneficiaries.

Mr. President, there is an urgent and pressing need for this technical change in the Social Security Act. Under the law now in effect there are over 64,000 cases of underpayments pending which cannot be paid by the Social Security Administration. The law is inequitably drawn, and unless it is changed, thousands of survivors of social security beneficiaries will not be paid money that is owed to them.

Last year the Social Security Administration requested legislative authorization to pay amounts due a beneficiary at the time he dies because the provision in the law was ambiguous and had been subjected to various interpretations in the courts. During consideration of the Social Security Amendments of 1965, which included the medicare program, the Senate Finance Committee adopted an amendment very similar to the one I am proposing today. This provision was passed by the Senate, but was significantly changed in the conference committee. The law as enacted has been extremely difficult to administer, as is evidenced by the very large number of cases in which payments have not been payable, and the cases are increasing at the rate of about 2,000 a week.

Under present law, where the amount owed to a deceased beneficiary at the time of his death is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. If the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

My bill would provide specific statutory direction for the Secretary of Health, Education, and Welfare to pay such amounts to the survivors in a simple manner. If the amount due is less than $1,000, which almost all such amounts are, the payment would be made in the following order of priority: First, to the

surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representatives of the estate if one is appointed within 3 months of the decedent's death; and, fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Under the best conditions, the requirement that the underpayment be paid to a legal representative is not only costly and time consuming but also in many instances it blocks payment entirely because the cost to survivors of claiming the underpayment through a legal representative often exceeds the underpayment itself. Forcing the widow or child of a deceased beneficiary to pay the expense of a legal representative and other probate and court costs is difficult to justify in view of the fact that the average of these underpayment amounts is about $100. About 35 percent of the underpayments involve amounts of $50 or less. There is no problem when the estate is one that would be probated anyway, but many social security beneficiaries have little or no assets and when they die the unpaid social security benefits constitute the entire estate.

The social security requirement that most amounts owed deceased beneficiaries must be paid to a legal representative is exceptional among benefit-paying programs. Distribution of amounts due but not paid to deceased civil servants, members of the Armed Forces, and veterans is governed by statutes setting forth priorities of payment. The Railroad Retirement Board pays such amounts first to the surviving spouse living with the decedent, and then on the basis of equitable entitlement to persons paying the decedent's burial expenses. Only the Social Security Administration is required to give such high priority to the legal representative.

Mr. President, the Social Security Administration is being besieged with complaints about this provision from all over the Nation because of the hardship it works on the families of deceased social security beneficiaries. In 1 week in January, 3,402 complaints were registered, including 333 from California, 300 from New York, 285 from Pennsylvania, 227 from Illinois, and 220 from Michigan.

But more important than the administrative problems is the inequity to the beneficiaries. I urge my colleagues to join with me in sponsoring this amendment, which will ease the burden facing thousands of older Americans when one of their loved ones dies.

In order for the Senate to have the opportunity to consider this legislation as soon as possible, I am introducing it not only as a separate bill, but also as an amendment to H.R. 15119, a bill to extend and improve the Federal-State unemployment compensation program. I understand that this bill will be on the floor shortly.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3682) to amend title II of the Social Security Act to revise and improve the provisions thereof relating to the adjustment of overpayments and underpayments of benefits thereunder, introduced by Mr. MONDALE (for himself and Mr. HARRIS), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 204(a) of the Social Security Act is amended to read as follows:

"(a) Whenever the Secretary finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment shall be made, under regulations prescribed by the Secretary, as follows:

"(1) with respect to payment to an individual of more than the correct amount, the Secretary shall decrease any payment under this title to which such overpaid individual is entitled, or, if such overpaid individual dies before adjustment is completed, the Secretary shall decrease any payment under this title payable to any other person on the basis of wages and self-employment income which were the basis of the payments to such overpaid individual;

"(2) with respect to payment to an individual of less than the correct amount, the Secretary shall make payment of the balance of the amount due such underpaid individual, or, if such person dies before payments are completed or before negotiating one or more checks representing correct payments, disposition of the amount due shall be made—

"(A) if the amount due exceeds $1,000, to the legal representative of the estate of such deceased individual, or

"(B) if the amount due does not exceed $1,000—

"(i) to the person, if any, determined by the Secretary to be the surviving spouse of such deceased individual;

"(ii) if there is no person who meets the requirements of clause (i), to the child or children, if any, of such deceased individual (and, in case there is more than one such child, in equal parts to each such child);

"(iii) if there is no person who meets the requirements of clause (i) or (ii), to the legal representative of the estate of such deceased individual; or

"(iv) if there is no person who meets the requirements of clause (i) or (ii), and, if at the end of the three-month period which begins on the date such deceased individual died, no legal representative of the estate of such deceased individual has been appointed, to the person or persons who would be entitled to share in the personal property of such deceased individual (if he had died intestate) under the laws of intestate succession of the State of residence of such deceased individual and in an amount or amounts determined pursuant to such law."

(b) Section 204(d) of such Act is hereby repealed.

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the second month following the month in which this Act is enacted.

Mr. MONDALE. Mr. President, I also ask unanimous consent that a listing, by State, of the complaints received during one week in January 1966 by the Social Security Administration about underpayments that could not be paid, be printed at this point in the RECORD.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

The number of complaints in connection with the 1965 amendment underpayment provision received during the week of Jan. 7, to Jan. 13, 1966

State:	
Alabama	53
Alaska	0
Arizona	25
Arkansas	22
California	333
Colorado	3
Connecticut	48
Delaware	3
Florida	98
Georgia	102
Hawaii	4
Idaho	13
Illinois	227
Indiana	117
Iowa	54
Kansas	39
Kentucky	26
Louisiana	36
Maine	8
Maryland	79
Massachusetts	99
Michigan	220
Minnesota	35
Mississippi	25
Missouri	73
Montana	9
Nebraska	53
Nevada	8
New Hampshire	6
New Jersey	72
New Mexico	25
New York	300
North Carolina	52
North Dakota	19
Ohio	113
Oklahoma	47
Oregon	39
Pennsylvania	285
Rhode Island	37
South Carolina	19
South Dakota	15
Tennessee	79
Texas	185
Utah	24
Vermont	13
Virginia	76
Washington	63
Washington, D.C.	9
West Virginia	25
Wisconsin	78
Wyoming	4
Puerto Rico	5
Virgin Islands	0
Total	3,402

Mr. HARRIS. Mr. President, the legislation proposed today by my distinguished colleague from Minnesota [Mr. MONDALE] is necessary to correct a technicality in the present social security law which, in many cases, has prohibited the payment of money owed to the survivors of deceased social security beneficiaries.

Under the present law, where the amount owed to a deceased beneficiary is equal to 1 month's social security benefit or less, it can be paid to the surviving spouse who was living with the deceased beneficiary at the time he died. In every case, when the amount owed is more than 1 month's benefit, the underpayment can be made only to a legal representative of the deceased person's estate.

The Social Security Administration is not happy with this situation. In fact, they are distressed, and so am I, because it affords no alternatives or flexibility in making payments as the law presently

directs. As a result, the Social Security Administration reports over 64,000 cases of underpayments pending and unpaid. This represents approximately $6½ million which is lying in the U.S. Treasury—drawing interest—and which can not be released by the Social Security Administration without corrective legislation.

Senator MONDALE is proposing legislation which I believe will correct this inequity by providing specific statutory direction to the Secretary of HEW in the following manner: If the amount due is less than $1,000, the payment would be made first to the surviving spouse; second, to the surviving children, divided equally among them; third, to the legal representative of the estate if one is appointed within 3 months of the decedent's death; and fourth, to persons who are entitled under State law to inherit personal property from the deceased. If the payment is more than $1,000, it would be made only to the legal representative.

Senator MONDALE quoted an alarming number of complaints made to the Social Security Administration within 1 week last January. This included 47 complaints in Oklahoma, where, because there were no legal representatives of the various estates, payments could not be authorized to those who would inherit the personal property.

Typical of the case in which a relative of the deceased finds it impractical to undergo the expenses of being a court appointed executor of an estate, a constituent of mine recently wrote:

> We were forced to advance money to take care of my sister for a long period of time. Now there are urgent and pressing debts. The Social Security Administration doesn't seem to understand that I would have to pay an attorney's fee, court costs, and the advertising fee for notice to creditors. This would leave practically nothing from the check for $266.40 which is owed my sister.

The average unpaid social security underpayment is around $100 under the present system. Most, if not all, of this money is necessary to pay court costs and lawyer's fees in order to establish legal entitlement to the unpaid benefits. An example of this is well explained in the following letter from a constituent which I ask unanimous consent to have printed in the RECORD:

> DEAR SENATOR HARRIS: I want to remind you that there should be some way provided to cash social security checks of the deceased. It doesn't make very much sense to go to court to be appointed executor of an estate that doesn't exist so you can collect a check that you give to a lawyer to pay the court costs and lawyer's fees. I surely am not the only one that is in such a predicament.
>
> It seems to me that a simple affidavit signed by an Administrator of a rest home, Doctors, hospitals, or Directors of funeral homes would be proof enough that you were entitled to collect this money. I can't imagine that any one of them would sign a paper for some one that would not be responsible while they were living.
>
> For the ones that have an estate and have to go to court anyway, they have no problem, but for the ones that do not have to go to court, they have to turn their money back and they are the ones that need it the most.
>
> I signed hospital papers for my sister, also papers at the rest home as well as her funeral bill and I can ill afford to lose her check—yet it was due her, but I had to return it and now can't collect it because I am not court appointed.
>
> Yours sincerely,
>
> ——— ———.

Those who live on a fixed low income and desperately need this money to pay some of the outstanding debts of the deceased are forced, therefore, to forfeit the check. On the other hand, when there is an estate in question which necessitates a legal representative, there is usually adequate money available to pay the court costs of the estate.

I cannot believe that the original authors of the social security law intended for these payments, which represent money earned, and money owed, to remain unpaid. I therefore, strongly urge Congress to act favorably and approve this legislation before adjournment.

EQUITABLE TAX TREATMENT FOR FOREIGN INVESTMENT IN THE UNITED STATES—AMENDMENT

AMENDMENT NO. 717

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to the bill (H.R. 13103) to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investment in the United States, which was referred to the Committee on Finance and ordered to be printed.

SETTLEMENT OF LABOR DISPUTE BETWEEN CERTAIN AIR CARRIERS AND THEIR EMPLOYEES—AMENDMENTS

AMENDMENT NO. 718

Mr. JAVITS (for himself and Mr. MORSE) submitted amendments, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes, which were ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. JAVITS, which appears under a separate heading.)

AMENDMENT NO. 719

Mr. MORSE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. MORSE, which appears under a separate heading.)

AMENDMENT NO. 720

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 721

Mr. LAUSCHE submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 186, supra, which was ordered to lie on the table and to be printed.

(See reference to the above amendment when submitted by Mr. LAUSCHE, which appears under a separate heading.)

EXTENSION AND IMPROVEMENT OF FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM

AMENDMENT NO. 722

Mr. MONDALE submitted an amendment, intended to be proposed by him to the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. MAGNUSON. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from California [Mr. KUCHEL] be added as a cosponsor of the bill (S. 2217) to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the name of Senator MAGNUSON be added as a cosponsor of the joint resolution I introduced (S.J. Res. 85), proposing an amendment to the Constitution relative to equal rights for men and women, and that his name appear among the list of sponsors at the next printing of the joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 2, 1966, he presented to the President of the United States the following enrolled bills:

S. 2412. An act to terminate use restrictions on certain real property previously conveyed to the city of Kodiak, Alaska, by the United States;

S. 3249. An act to consent to the interstate compact defining the boundary between the States of Arizona and California; and

S. 3498. An act to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between the States and Nationals of other States, signed on August 27, 1965, and for other purposes.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1385 and Calendar No. 1386.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF THE ORGANIC ACT OF GUAM

The Senate proceeded to consider the bill (H.R. 13298) to amend the Organic Act of Guam in order to authorize the legislature thereof to provide by law for the election of its members from election districts, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 10, after the word "members," to insert "to be known as senators,"; on page 3, at the beginning of line 4 to strike out "bill," and insert "Act,"; in line 9, after the word "provision," to insert "the method of electing"; and in line 10, after the word "this" to strike out "bill." and insert "Act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1420), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13298 is to amend the Organic Act of Guam (64 Stat. 384, as amended; 48 U.S.C. ch. 8A) to authorize the territorial legislature to provide by law for the election of some or all of its members by election districts.

NEED

The Organic Act of Guam gave that island a substantial degree of local self-government and made Gumanians citizens of the United States. It provided for a unicameral legislature composed of 21 members to be elected at large biennially in even-numbered years. The powers of the legislature extend to "all subjects of legislation of local application" not inconsistent with the provisions of the organic act and other laws of the United States which are applicable to Guam. The members of the present legislature come from two parties—the Territorial Party and the Democratic Party of Guam.

At the present time the urban centers on Guam are able to dominate the voting on an at-large basis, and some rural areas lack representation. Though there are 19 voting districts in Guam, the at-large election system often means that the successful candidates come from a limited number of parts of the island. From the first to the incumbent eighth legislature, the average number of districts from which candidates have been elected to office stands at 11. The present legislature is composed of members from only 10 of the 19 districts. Removing the election-at-large requirement of the present statute and permitting election by districts will allow the legislature to bring about the greater equality of representation which, the committee was advised, is very much desired by the people of Guam. It will, in addition, allow the voters of each district to concentrate on the merits and demerits of the candidates from that district instead of having to try to assess those of every candidate for every seat in the legislature.

A solution to a further problem identified with the at-large election of all members of the Guam Legislature will result from districting. Under the present system a slight shift in the attitude or reactions of the electorate can produce a great and perhaps unwarranted change in whole membership of the legislature. It is possible under the present system for 51 percent of the voters to elect all of the legislature. Districting, whole or partial, will reduce the likelihood of this occurring in the future and will make more likely continuous representation of the minority.

H.R. 13298 will, if enacted, permit the Guam Legislature to district the territory and apportion itself as it believes proper, subject to the provision that neither such districting nor such apportionment shall deny to any person in Guam the equal protection of the laws. Its requirement that every voter in every district shall be entitled to vote for the whole number of persons to be elected from the district at that election as well as the whole number of persons to be elected at large, if there are any such, is further assurance of the application to Guam of the "one man, one vote" principle.

Reasonable stability in the electoral process is provided by the prohibition against changing the manner in which members of the legislature are to be elected—that is, the distribution of seats between at-large members, if there are any, and district members—more often than once in 10 years. District lines will be subject to change from time to time to reflect population shifts.

Enactment of this bill will be another step in promoting the full political development of the territory of Guam.

AMENDMENTS

The committee has adopted four amendments, three of which are of a technical and clarifying nature. The fourth amendment provides that members of the Guam Legislature shall be known as senators, as is the case in the Virgin Islands Legislature.

AMENDMENT OF SECTION 8 OF THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

The Senate proceeded to consider the bill (S. 3080) to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 4, after the word "of", to strike out "all bonds or obligations which on original issuance shall have been purchased by the Government of the United States, and excluding"; after line 12 to insert:

(c) Delete the word "specific" wherever it appears in the first and second sentences.

And after line 14 to insert:

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

So as to make the bill read:

S. 3080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(i) of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 500; 48 U.S.C. 1574(b)), is amended as follows:

(a) Delete "(1)" and delete "and (2) for the establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects, authorized by an Act of the legislature, which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands."

(b) Delete "$10,000,000" and substitute therefor "$30,000,000, exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands. Not to exceed $10,000,000 of such bonds or obligations may be outstanding at any one time for public improvements or public undertakings other than water or power projects."

(c) Delete the word "specific" wherever it appears in the first and second sentences.

(d) Delete in the fifth sentence the words "shall be redeemable after five years without premium" and substitute therefor the following: "may be redeemable (either with or without premium) or nonredeemable".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1421), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The basic purpose of S. 3080 is to increase the special revenue bond borrowing authority of the Virgin Islands for governmental water and power projects, and for limited expenditures for other governmental projects.

Section 8(b) of the Revised Organic Act of the Virgin Islands of 1954, as amended (68 Stat. 497, 500; 48 U.S.C. 1574) provides that the Legislature of the Virgin Islands may cause bonds to be issued under subparagraph (1) for specific public improvement or specific public undertakings authorized by an act of the legislature, and under subparagraph (2) for the establishment, maintenance, and improvement of other projects which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time may not exceed $10 million. The bonds are to be redeemable after 5 years without premium.

S. 3080 would amend existing law so as to (1) preclude the issuance of bonds or other obligation for nongovernmental projects intended to promote the economic development of the Virgin Islands; (2) increase the outstanding revenue bond ceiling at any one time from $10 to $30 million; (3) exclude from the new bond ceiling these bonds or obligations which are held by the Federal Government as a result of a sale of property to the government of the Virgin Islands; (4) provide that not more than $10 million of such bonds or obligations may be outstanding at any one time for public improvements or undertakings other than water or power projects; (5) delete the word "specific" each time that it appears in the first and second sentences of section 8; and (6) provide that bonds may be redeemable (either with or without premium) or nonredeemable.

The first amendment provided in S. 3080 deletes the provision from the Revised Organic Act which permits issuance of bonds to finance nongovernmental projects for the economic development of the Virgin Islands. No such bonds have been issued, but at one time the territorial legislature authorized a bond issue for hotel and related economic development. The Governor did not issue the bonds, and litigation is now pending in the courts. The committee believes that this

type of financing is probably unwise and unnecessary. Repeal of this authority, however, is not intended to affect the outcome of the pending litigation.

The second amendment proposed by the bill raises the Virgin Islands bond ceiling to $30 million, to provide for present and future projects which will exceed the present $10 million limitation. Currently, obligations secured by revenues in the principal amount of about $6,440,000 are outstanding for water and power purposes, and additional revenue obligations in the principal amount of $1,600,000 are about to be issued for the financing of dormitory housing for the College of the Virgin Islands. These obligations total about $8,100,000, leaving an authorization of less than $2 million for new revenue financing under the present $10 million ceiling.

For power and water purposes alone, approximately $29 million in outside revenue-secured financing is estimated to be needed during the next 5 years in order to meet the average rate of growth in demand for electric power which has been experienced in the Virgin Islands during recent years. For the three islands—St. Thomas, St. John, and St. Croix—this growth rate is 20 percent, or almost three times the average growth rate on the U.S. mainland. Of this estimated total of $29 million, approximately $6 million in revenue financing is needed by September of this year for a new dual-purpose (water and power) plant for St. Thomas.

In addition to the revenue financing needed for water and power purposes, an estimated $5 million will be needed during the next 5 years for staff housing facilities for the new hospital centers in St. Thomas and St. Croix and for additional dormitory and other revenue-producing facilities for the College of the Virgin Islands.

Included in these projected financing needs is approximately $8 million for new water production facilities which can be financed either by the issuance of general obligation bonds under section 8(b)(ii) of the Organic Act or by the issuance of revenue bonds under section 8(b)(1). However, the issuance of $8 million in general obligation bonds for water purposes would—together with outstanding general obligation securities amounting to about $7,800,000—exceed the present general obligation bond ceiling of $14 million and, at the same time, foreclose general obligation financing for other necessary public purposes, such as the school and hospital construction programs.

In short, the increase in the revenue bond financing ceiling which S. 3080 would authorize is urgently needed to enable the local government to undertake self-liquidating projects.

COMMITTEE AMENDMENTS

The committee has adopted three amendments recommended by the Department of the Interior and the Bureau of the Budget. The first amendment would make bonds purchased by the Federal Government chargeable against the new bond ceiling, so as to discourage large-scale public financing of projects by the Virgin Islands. The second amendment would delete the word "specific" from section 8 so as to remove uncertainty about how detailed a project plan must be for passage by the Virgin Islands Legislature. The third amendment would delete the provision that bonds shall be redeemable after 5 years without premium, so as to increase the marketability of the bonds.

The need for the three departmental amendments is more fully explained in the departmental reports which follow.

HIGH INTEREST AND TIGHT MONEY

Mr. GORE. Mr. President, I have spoken many times against the hurtful effects of the Johnson high interest and tight money policy. I am most reluctant to attack the leadership of my own party on matters of this sort, but unless current policies are reversed, we face severe economic dislocations. Some of these dislocations are already in evidence, particularly in housing.

The home mortgage market clearly illustrates the problem. It is now completely demoralized, and homebuilding and related industries are in a dangerous position. Insufficient funds are going into savings and loan associations and other institutions customarily active in home mortgage financing. The stopgap measures which have been advocated by the Johnson administration to get more funds into savings and loan institutions are but pallid palliatives and, even if successful on the surface, would not touch the basic problems.

Housing starts in June were 18 percent below the level of a year ago. Completed homes are standing idle and empty. This is not the result of a housing glut. This is not the result of a lack of demand for decent housing. Far from it. We need much more housing than we have been getting during recent years, and we are now on the threshold of a new spurt in family formations as the huge baby crops of the late years of World War II and the immediate postwar years reach maturity.

The only reason we are not providing adequate housing today is that those who seek and need homes cannot borrow the money to finance a purchase on reasonable terms.

There are several facets to this problem, but for the moment I shall merely cite a few statistics to illustrate the unnecessary burden which is placed on the young couple purchasing a home.

A $15,000, 30-year mortgage, at 6 percent interest, requires a monthly payment for principal and interest in the amount of $89.94. Counting postage, this is a $90-per-month loan. On a similar loan at 4 percent interest, the payment is only $71.62.

Mr. President, some people may think that a difference of $20 a month in a payment on a small home is insignificant, but I suggest that it means a difference of whether or not a couple can own a decent home in which to rear their children.

Johnson interest rates are now higher than Hoover interest rates. We must go back 45 years, to the Harding administration, to find interest rates as high as the interest rates of the Johnson administration. They must come down. At present interest rates, a home purchaser must pay out $6,595.20 during the life of a $15,000 mortgage, for which he obtains no benefit.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 5 minutes.

Mr. GORE. I shall only require 2 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GORE. Here is another aspect of this problem. Lenders generally require that purchasers have an income of about five times the amount of the monthly payment on a house. A young couple who could qualify for a $15,000 mortgage at 4 percent interest, but who are presented with a 6 percent take-it-or-leave-it mortgage, must go back to their rented room and wait until their income increases by about $90 per month before they can qualify for the higher interest rate mortgage.

Or, suppose this young couple, faced with the arrival of children, are so desperate for a house that they must buy whatever they can qualify to purchase. If they can pay only $71.62 per month for principal and interest, they could buy a house with a $15,000 mortgage at 4 percent interest. But if they must pay 6 percent interest, their mortgage cannot exceed approximately $12,000. In other words, they must settle for a house costing $3,000 less. If construction costs run about $10 per square foot, this means that they must settle for a two-bedroom house when they need, perhaps, four bedrooms.

Mr. President, Johnson interest rates must be brought down. If we are threatened with inflation, and I think we are, other actions must be taken which will remove some of the pressure from monetary policy. Action is needed; action in the public interest is needed; action in keeping with the traditions of the Democratic Party is imperative.

THE AIRLINES STRIKE

Mr. MONRONEY. Mr. President, the Senate should act without delay to pass legislation that will restore air service to the 60 percent of the country which has been denied it for over 3 weeks' time.

The long and drawn out efforts at collective bargaining have failed to bring about a settlement in an industry whose continued service is vital to our country's security and to the public interest of its people.

Two suggestions have been made by the members of the Committee on Labor and Public Welfare. Both of these suggestions one under order of the President, and the other under the order of the Congress, would return the workers to their jobs while the negotiations continue over a settlement of the wage dispute.

By taking up this legislation today the Congress can help to end the crippling effects of this prolonged strike and during the additional time provided by both bills encourage a final settlement that both union members and management can approve.

The failure of individual members of the International Association of Machinists to approve on Sunday the settlement which their leaders had recommended will, in the long run, work to the disadvantage of organized labor generally. The strike is adversely affecting not only the 35,000 IAM members, but it also is affecting countless thousands of workers in other industries serving the traveling public or relying on airline service. Hundreds of thousands of would-be passengers have been inconvenienced.

Thousands of business firms and hundreds of thousands of union employees of those firms are taking it on the chin. Congress cannot let these growing economic losses become an economic disaster.

I have a warm place in my heart for the unsung heroes of the aviation industry who keep the planes flying; who often have to work in the middle of the night to get engines back together on time; who have the unglamorous jobs that the average airline customer never sees. The fellows who get grease on their hands deserve a fair share of airline profits. This has been my position over the years in my dealings with the industry as chairman of the Aviation Subcommittee.

However, feelings of sympathy for some of these airline employees took a nosedive after the published reports of tactics used to encourage rejection of their own union leaders' recommendations. We are told that some members of the union here in Washington might have voted for the settlement but for the cries of ridicule hurled at those who openly sought to ratify the agreement. The cause of the IAM would be better served by leaving the name calling and mudslinging to less honorable organizations.

Free collective bargaining is a right and privilege which should not be abused. According to the press reports, the IAM reported that 17,251 of its members voted against accepting the proposed contract; 6,587 voted for it; and 11,500 members failed to vote. The total number voting against ratification therefore was less than half the total membership eligible to vote on the issue. I believe it is both a responsibility as well as a privilege for all members of the IAM to stand up and be counted on a matter of such consequence.

But that episode of this regrettable labor-management tangle is now history. Congress must now move quickly. This strike definitely represents a substantial threat to national security because of its ever more serious effects upon interstate commerce.

THE AIRLINES STRIKE—AMENDMENT TO SENATE JOINT RESOLUTION 186

AMENDMENT NO. 721

Mr. LAUSCHE. Mr. President, I send to the desk an amendment to Senate Joint Resolution 186. I spoke with reference to this amendment yesterday and I wish to do so briefly today.

As indicated, the measure deals with the airlines strike. The joint resolution reported to the Senate by the Committee on Labor and Public Welfare contains a provision that there may be, at a maximum, 180 days of negotiations. If at the end of those 180 days no settlement is reached, the status of the controversy occupies the identical position that it occupies today. No machinery is provided in the joint resolution for a final settlement of the dispute.

My amendment, Mr. President, would provide that after the 180 days have expired and no settlement has been reached, the President shall then be directed, at the request of either of the contesting parties, to appoint an Arbitration Board to consist of not less than five members.

This Arbitration Board shall have as membership a majority of persons who are representatives of the public, and an equal number of representatives to be assigned to the union and to management, respectively.

The Presidential Board so appointed is empowered to take testimony, make investigations, and to finally render a decision that would be conclusive and binding upon both parties in the dispute. The Board would be required to act within 60 days after the matter has been submitted to it for arbitration.

The finding of the Board, as I have said, would be conclusive and not appealable to the courts, except on the claim that there had been a noncompliance with the procedural machinery set forth in the joint resolution as a whole.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may proceed for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, I might be asked why I propose this method of finally disposing of the measure. In my judgment there must be firmness on the part of the Government in dealing with a dispute between management and labor that ties up the economy of the Nation in a substantial manner.

Why should we allow a situation to exist which, after 180 days of negotiation, added to the 25 days and more that have already taken place and no settlement has been reached, places the public in the position it was in when the strike started?

We should provide machinery that would definitely settle this dispute. Unless provision is made for final settlement, I submit that there is no incentive and no pressure upon either of the parties to act. They will be at work. The joint resolution provides that whatever settlement is reached, it shall be retroactive.

I repeat—what inducement, what incentive, what pressures are upon them to act, if they know that the eventual settlement will be retroactive?

The time has come when Congress should say, "We will see to it that this dispute will come to an end, and it will come to an end on the basis of fairness to both parties."

Mr. President, is there any precedent for what I am suggesting?

In the featherbedding argument of the railroads, no adjustment could be reached. The mediation boards made recommendations. Presidential boards also made recommendations, but no settlement could be reached. One party accepted the recommendation and the other did not. Congress finally passed a bill making arbitration mandatory after all the preliminary steps of negotiation had been completed. That is what my amendment would provide.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 721

On page 4, between lines 6 and 7, insert the following:

"SEC. 5. (a) If agreement has not been reached prior to the date of expiration of the final period of time which the President has ordered pursuant to section 2 and a written request is made by either party to the dispute within fifteen days after such date, the Mediation Board shall immediately notify the President.

"(b) On receipt of a notice referred to in subsection (a), the President shall create a Presidential Board to investigate and decide such dispute. The Presidential Board shall consist of not less than five members, a majority of whom shall be public members appointed by the President (one of whom shall be designated Chairman), with the remaining members divided equally between and designated by the carrier or carriers involved and the representative or representatives of the employees involved. No member appointed by the President shall be financially or otherwise interested in any carrier or any organization of employees. If either party to the dispute shall fail or refuse to designate its members within one week following the appointment of the public members, the President shall appoint such members in the same manner as the public members were appointed. In the event any member of the Presidential Board is unable or unwilling to serve, his successor shall be appointed in the same manner in which he was appointed. Each member of the Presidential Board named by the parties to the dispute shall be compensated by the party naming him. Any member appointed by the President shall be paid reasonable compensation for his services in an amount to be fixed by the President, and shall be reimbursed for his necessary traveling expenses and expenses actually incurred while serving as a member.

"(c) The Presidential Board shall have power to conduct investigations and take testimony at any place within or without the United States. For the purpose of any hearing conducted by such Board, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49 and 50), are hereby made applicable to the powers and duties of such Board.

"(d) Upon the appointment of the Presidential Board, such Board shall promptly hold a public hearing of the parties with reference to the dispute and shall make and publish a report in writing with respect to the dispute which shall state the findings, conclusions, and decision of the Board on each of the issues involved on which the parties have not reached agreement. Such report shall be made within sixty days after appointment of the Board, except that the President, on good cause shown, may extend such period.

"(e) The decision of the Board shall be by a majority of the whole Board. The rates of pay or working conditions prescribed or approved by the Board in its report shall be just and reasonable and, unless set aside in judicial proceedings as hereinafter provided or changed by voluntary agreement of the parties, continue in effect until changed in accordance with the provisions of the Railway Labor Act. Such decision shall provide that the wage provisions thereof shall be retroactive to January 1, 1966.

"(f) The report of the Presidential Board and the transcript of the proceedings before it, including the evidence, shall be filed with the President and with the National Mediation Board. A copy of such report shall be furnished each party to the proceeding.

"(g) In the event of disagreement between the parties as to the meaning of the findings, conclusions, or decisions, or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may apply to the Presidential Board for a clarification of its report, whereupon the Board shall reconvene and shall, with or without a further hearing, promptly issue a further report setting forth its decision on each of the issues involved in such disagreement.

"(h) A report filed as herein provided shall, unless set aside in judicial proceedings as hereinafter provided, be conclusive and binding on the parties and enforcible by appropriate proceedings in the United States District Court for the District of Columbia, or the United States district court for any district in which proceedings of the Presidential Board were held, or the United States district court for any district in which any party is doing business.

"(i) Within thirty days after the filing of the report a petition to impeach the report may be filed in any United States district court mentioned in the next preceding paragraph by any party to said proceeding on any one or more of the following grounds of invalidity:

"(1) That the report clearly does not conform to the requirements laid down by this Act for such reports, or that the proceedings were not substantially in conformity with the Act, but no such report shall be subject to review on the ground that rates of pay or working conditions prescribed therein, if any, are not just and reasonable;

"(2) That the report does not conform to the issues in the controversy submitted to such Board;

"(3) That a member of such Board rendering the report was guilty of fraud or corruption in connection therewith, or that a party to such proceedings practiced fraud or corruption which fraud or corruption affected the report; or

"(4) That the report violates rights secured by the Constitution of the United States to any of the parties to the dispute or to any employees bound by the report therein.

"(j) No court shall entertain any such petition to impeach a report on the ground that such report is invalid for uncertainty; but such report may be submitted to the reconvened Presidential Board for interpretation as provided by this Act. A report contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and no report shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

"(k) If the court shall determine that the entire report is invalid on some ground or grounds designated in this section as a ground of invalidity, the court shall set aside the entire report; but if the court shall find that only a part of the report is invalid and if such invalid part is separable from the valid part the court may in its discretion set aside the entire report or set aside only the invalid part.

"(l) At the expiration of twenty days from the decision of the district court upon the petition filed as aforesaid, the judgment of the court shall be final unless during said twenty days either party shall appeal therefrom to the United States court of appeals. The decision of the court of appeals shall be subject to review by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(m) Upon the appointment of a Presidential Board under subsection (b), the period of time provided for in section 10 of the Railway Labor Act, during which no change except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose, shall be reinstated and shall continue in effect until the Presidential Board shall have made its report and such report shall have become final and binding on the parties. During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout."

On page 4, line 7, strike out "SEC. 5" and insert "SEC. 6".

On page 4, line 10, after "section 2" insert "or section 5 (m)".

On page 4, line 24, strike out "SEC. 6" and insert "SEC. 7".

On page 5, line 9, strike out "and 5" and insert "5, and 6".

On page 5, line 12, after "section 3" insert "and any decision under section 5 (e)".

On page 5, line 15, strike out "SEC. 7" and insert "SEC. 8".

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

PROPOSED FEDERAL BANK FOR RURAL ELECTRIC SYSTEMS

Mr. MOSS. Mr. President, there is growing misunderstanding about the intent and possible effect of the bill before Congress to establish a Federal bank for rural electric systems.

The purposes of the bill have never been more clearly and simply explained than in a letter written by Representative W. R. POAGE, of Texas, one of the chief sponsors of the bill in the House of Representatives, to a banker in his State who opposes the legislation.

Representative POAGE discusses with great reasonableness and admirable clarity the alternatives to a Federal bank, and invites suggestions. He touches also on the relationship of the rural electric cooperative to the investor-owned utility company, and how this might change should the cooperatives be denied the type of help they are seeking.

I ask unanimous consent to have the letter prepared by Representative POAGE printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES, COMMITTEE ON AGRICULTURE,

Washington, D.C.

DEAR CONSTITUENT: Let me thank you for your letter of recent date in which you express your opposition to the legislation which I proposed, and I take it to all similar legislation, which would gradually move the financing of our rural electric and rural telephone systems from direct 2% government loans to loans from a credit bank patterned after the farm credit institutions.

A number of bankers and power company officials have written me similar letters. I, of course, wish there was an opportunity to sit down and talk to each and everyone who is interested in this problem. Unfortunately, there is no such opportunity. I think that basically most of these letters, particularly those from bankers, are based upon their objection, not so much to the requirement that the rural electric and telephone systems should get their money from private rather than government sources, as it is to their objection to the cooperative system of doing business.

I know that there is much serious and even violent difference of opinion in regard to cooperatives. The pending bill makes no change whatever in the prerogatives and the duties of cooperatives. It does not attempt to decide whether they are good or bad. It recognizes the existence of cooperatives and deals with the situation as we find it. I think, however, in this connection that many of these letters indicate a serious misunderstanding of the present financing of rural electric and telephone systems.

The REA offers loans to cooperatives and to private stock [investor-owned] companies on exactly the same basis and for exactly the same purposes. It is true that there are a very few—I believe about 25—private power companies that have availed themselves of the opportunity to make these cheap loans. Whether this reluctance to use REA loans is due to the fact that the companies actually pass the cost of interest on to their customers or whether it is due to the fact that they do not want to accept the responsibilities of providing so-called area service to all in a service area, as is required of REA borrowers, I do not know, but I do know that REA loans are available to the private companies if they want them. Second about ¾ of all of the telephone loans are presently being made to privately owned stock companies rather than to cooperatives.

I think, therefore, that it is rather inaccurate and misleading to try to either support this legislation on the basis of one's like or dislike of cooperatives. Rather, I think the essential question is: Do we want to move the financing of these rural systems from the direct 2% government loans to loans made by a separate financing agency at a higher rate of interest?

For all of those who can pay the higher interest rate, I think the answer is clearly "yes". The legislation referred to would, if passed, for the first time in our history establish a policy of orderly transfer from dependence upon the government to dependence upon private resources. This is not a wild, untried, or visionary scheme. It is basically what has been done by the Land Banks for half a century. Every dollar of the original Land Bank stock was government money. Today there is no government money in the Land Banks. It took the National Farm Loan Associations, the local lending agencies, about 35 years to pay out this government stock. The Banks for Cooperatives, although established much later, have been paying out at a more rapid rate. Indeed, they have paid out almost ⅔ of the government stock in ten years' time and, as you know, the Houston Bank is completely paid out. The Intermediate Credit System has not moved so successfully but it has returned approximately 50% of the government capital.

Let us assume that these rural systems will not be as successful as any of the Farm Credit systems. Isn't it still wise to move in the direction of private ownership rather than to continue the policy of 100% government loans? And even though we can't remove all of the subsidy at this time, isn't it desirable to make a start toward reducing the subsidy? And certainly, this bill makes that start. I think that the direction in which one is traveling is often more important than is his location.

If we do not pass this bill we are not going to eliminate the REA system. It simply means that we will go on making a fight each year about how much government money we are going to put into the system. For the past several years we have been putting in a little more than $300 million a year. This legislation would put only $50 million a year into the stock of the electric

bank and every dollar of it would be from the repayment of outstanding REA loans, not new money out of the Treasury. In view of this I am somewhat at a loss to understand your statement that "the establishment of Federal banking for rural electric and rural telephone systems would be an erosion of private enterprise."

Surely, neither you nor any other commercial bank is financing the capital needs of our existing rural electric and rural telephone systems. Certain commercial banks are financing and will continue to finance the normal operating needs of these systems, just as they are other local business enterprises.

Of course, I am in no position to know just what information has been presented by those who oppose this legislation but apparently it must have been far from thorough.

You did not raise the question but several of my correspondents have, and I feel that there are at least two other items that must be considered.

The first relates to the nature of rural service. There are many who write me and say that since practically all of our homes are today electrified, there is no further need for REA and there should be no further loans. As a banker you are particularly aware of the fact that practically every line of business is finding it necessary to expand its capitalization. Most business institutions find it utterly impossible to continue to exist if they simply retain their existing size and make no effort to modernize, improve or expand their business to keep up with the customer demand. Certainly the electric business is no exception. The private power companies currently are making something like $5 billion a year in capital expenditures. This is just about the sum total of loans which has been advanced to REA cooperatives over a period of thirty years.

Obviously, these rural systems are going to have to modernize at at least the same rate that the larger privately urban systems are, and probably they must spend at least a larger percentage of their present valuation because of the very nature of their scattered customers—so I reach the inescapable conclusion that if we are going to maintain rural service which is comparable to the service provided in the cities, and I think we should, that the rural systems are going to have to have a substantial amount of new capital.

This raises the corollary question of the interest rates that these rural systems can pay and the obligation, if any, on the part of the government to assist or subsidize. Obviously, strictly rural service is not, in most cases, profitable. The power companies did not give any general rural service prior to the time the REA began making its loans. They did not consider it profitable. When the power companies did offer a competitive rural service, they were able to do so by adding any losses that they might sustain in rural service to the charges collected against their urban customers. Since most of the private power companies operate under exclusive franchises which give them a monopoly in about 99% of the more profitable areas of the United States, they are still able to do this, and I recognize that it can be argued that the way to get rural service is to have the power companies charge for service on what might be called a "postal" rate system—that is, the same rate in urban and rural areas regardless of the cost of supplying the power. This would, of course, effectively move the burden that is now carried by the taxpayers to the consumers of electricity in urban areas.

Frankly, in view of the ever-increasing political power of these urban areas, it seems to me to be rather unrealistic to expect governmental support of any such system. On the other hand, we cannot overlook the fact that while REA financed electric cooperatives sell only 6% of the electricity sold in the United States, they own and service 54% of the line mileage, and whereas the average privately owned utility has a customer density of about 34 customers per mile, the average REA financed cooperative has a customer density of only about 3.2 customers per mile. The figures for rural telephone systems are roughly comparable when compared with the patronage of the Bell system. To me this makes it absolutely clear that if we are going to continue to provide rural electric and rural telephone service that we are going to have to find favorable credit terms.

I have repeatedly asked those who object to this bill to suggest just what they would do. Most of the objectors preface their statement of objections by some declaration to the effect that "no living person is a greater friend of REA than I am but—". Very few, if any, of these objectors have even sought to suggest just how they would deal with the problem and yet I think it is clear that if they do not deal with it—that is, if we collectively do not deal with it, and if the rural electric cooperatives are denied the type of self-help which they are seeking, that they will become even more, not less, severe competitors with the private utilities, to the detriment of all concerned.

It is certainly true that if all subsidized financing were removed, some of the cooperatives would collapse. Some would be taken over by private systems. Some would simply disintegrate. Some would consolidate with their neighbors, and most of these consolidated groups, and many of the existing organizations, would immediately cast about for more profitable fields. It is true that as of any given moment the private utilities have their urban service protected against competition from these cooperatives by exclusive franchise, but over the nation these franchises are constantly coming up for renewal. Under the existing law and under the proposed bill the power companies are protected against any possible competition in all of the larger cities and against all practical competition in at least 98% of the smaller communities. If, however, these rural systems cease to become borrowers from the government or the government sponsored bank, there will be no restraint on their territorial operations except such as is imposed by local authorities.

Knowing American communities and American politics, don't you know, and doesn't every power official know, that this situation would cause friction in a thousand cities over the United States. Surely no responsible power official is naive enough to believe that he can take away the restraining influence of the governmental or governmentally sponsored credit without creating chaos in the matter of service in their urban areas. I believe that you will agree with me that this kind of cutthroat competition would be bad. I believe you will agree that it is desirable to move as much of the credit to these rural systems from the government to a credit bank which the rural systems will themselves ultimately own. I believe you will agree that it is desirable to begin reducing the subsidy as promptly as we can, and I hope you will agree that we should not deny subsidized credit to those rural systems that obviously cannot pay commercial rates and maintain their existence. The proposed legislation attempts to achieve these objectives and it proposes to do it by a method which has been tried successfully for more than half a century.

There are two other possibly relatively minor items that I think must be considered. The first is the charge contained in so many letters that the passage of this bill would "remove all congressional control" over the bank. I doubt that you would argue that the Federal Government has no control over national banks, and yet it does not name any of the directors or officers. So long as the Federal Government has any money in these banks it will participate in the management, and until a majority of the Federal investment is paid off it will have absolute control. Even down the line when all government money is out of the bank it will still be subject to the congressional power and Congress can, if it should provide, determine the purpose for which loans may be made, the size of the loans, terms, etc. Frankly, I cannot see how anyone who has read the bill can seriously urge this objection.

The second item relates to the fact that there are a great many people charging that this bill would provide seven and one-half billion dollars of interest free government money. Of course, this statement derives from the fact that the bill provides for $50 million per year investment by the government, which, over a 15-year period, makes $750 million, or exactly 1/10 of the amount usually mentioned. The bill also provides, as does the Farm Credit legislation, that the bank may issue debentures to ten times the amount of its capital. Incidentally, Federal National Mortgage Association legislation now pending would authorize FNMA debentures to 15 times the amount of the capital. It is then argued that since the government will guarantee these debentures that the government stands to lose $7½ billion. I think that we can only judge the future by the past. During the last 30 years REA has advanced loans of $5 billion and has suffered losses of only $47,000. Even if the loss ratio in the future were 10 times as much as it has been in the past this guarantee obligation of the government would be absolutely nil because earnings on the balance of the loans would far more than offset these losses.

It seems to me that these criticisms are thrown into the picture more for the purpose of creating prejudice than to contribute to the solution of a very real problem.

I make no claim that any of the proposals before the Congress are perfect. On the contrary, I invite constructive suggestions from all who want to offer them, but I again suggest, and I hope that you will agree, that those who oppose this approach should establish their sincerity by pointing out exactly how they feel we should finance the continuing development of our rural electric and telephone service. The Congress wants and welcomes advice and counsel from the electric industry, the banking industry and the rural systems but it does not propose to allow the power companies or any other group to simply exercise a veto over every suggestion that is made. We welcome participation in our councils but we feel there is an obligation to seriously counsel, not simply condemn.

As an illustration of what I think we have a right to expect from the opponents, let me point out that the original bill, while providing for the acquisition of stock by the local rural systems, did not, in the opinion of some of its critics, make sure that there would be a definite retirement of government stock equal to the amount of stock purchased. While I was not, and am not, sure that there was any legal merit to this position, I felt that we should be absolutely sure that this would be the case and immediately proposed an amendment to make it quite clear that such transfer must take place.

The private companies have long expressed criticism of the practice of lending money for building generating plants which they have at some later date stated were uneconomical. They raised the same objection in connection with this bill. As you are doubtless aware, I proposed an amendment, which is in the compromise measure, requiring that before any money can be loaned to build generating plants that there must be public invitations for competitive bids, and that no such loan can be made if it develops

that private companies actually offer to sell the power on the terms and at the location needed more cheaply than the power can be provided by a new plant.

I suggested these amendments not for the purpose of representing cooperative interests but because there seemed to me to be justification in the criticism. Personally, I would certainly accept any other amendments where the proponents or opponents could make what seemed to me to be a sound case, and I think that those who oppose the bill should be willing to approach it with the same willingness to accept those features which the rural systems can show are fair and needed.

I have gone into some detail because I believe you are seriously interested and because I respect your views. I know that you will give equal consideration to my views.

Thanking you, and with all good wishes, I am,

Sincerely yours,

W. R. POAGE,
Congressman.

TIME FOR TREASURY TO STOP ROADBLOCK AGAINST SBIC TAX INCENTIVES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be allowed to proceed during the morning hour for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, last Friday, the Subcommittee on Small Business of the Committee on Banking and Currency concluded 3 days of comprehensive hearings on the small business investment company program. I am chairman of that subcommitee, and chaired those hearings.

The Small Business Investment Act of 1958 established a program:

To stimulate and supplement the flow of private equity capital and long-term loan funds which small business concerns need for the sound financing of their business operations and for their growth, expansion, and modernization.

The act was the result of the some 30 years of study by various private and Government agencies as well as the Congress with respect to the financing needs of small business.

Mr. President, if I recall correctly, this was done by a Senator from Texas, now President Johnson, who was the author of that bill.

Our own Subcommittee on Small Business managed the legislation which culminated in the passage of the 1958 act in the 85th Congress, and it has conducted studies and hearings relative to the program in every succeeding Congress, recommending major amendments which were subsequently approved in the 86th, 87th, and 88th Congresses.

The hearings which we concluded last Friday were prompted by reports of "problem" companies in the program. Those reports prompted us to launch a searching inquiry into all facets of the program.

I am pleased to report to the Senate that our hearings produced dramatic and persuasive evidence of the essential soundness and value of the SBIC program. Testimony from witnesses representing the Small Business Administration and other Government agencies concerned with the program, spokesmen for the industry and small businessmen who have benefited from the use of SBIC funds demonstrated clearly that the SBIC's are indeed doing an effective job.

We heard testimony to the effect that some 20,000 small business concerns have received almost $1 billion in financing in the relatively few years since this pioneering program was launched. This billion dollars does not include hundreds of millions of additional bank credit for small business that SBIC loans have made possible.

As for the "problem" companies, I am confident that the Small Business Administration is determined and able to cope with them. But, as one of the witnesses testified, even if the "problem" companies are removed from the program, much, much more needs to be done by way of legislation to insure the long-term success of this pioneering effort in behalf of small business.

I am personally convinced of the great worth of this program and of the need for new and imaginative action on the part of the Congress and the executive branch to give the SBIC program the impetus it needs to accomplish the mission which we have assigned to it.

While SBIC financial assistance to some 20,000 small business concerns in a period of less than 8 years is highly commendable, this number is but a small fraction of the 4.5 million business entities in this country eligible for SBIC assistance and the vast numbers of small business concerns needing SBIC-type financing.

Our hearings have persuaded me that this program can achieve its great promise only if we, the Congress, help it in two important areas—tax incentives and additional leverage.

I shall speak of leverage at another time, but today I wish to speak particularly about the tax aspects of the SBIC program.

My colleagues will recall that the Technical Amendments Act of 1958 added three new provisions to the Internal Revenue Code, all with the avowed purpose of encouraging private investment in SBIC's. One of those provisions—section 243(a)(2)—gave SBIC's a 100-percent dividends received deduction on dividends received from small corporations from which they purchased stock. Normally, a domestic corporation is entitled to a dividends received deduction of just 85 percent on dividends received from a domestic corporation.

Another provision—section 1242—gave stockholders in an SBIC an ordinary loss deduction, rather than a capital loss deduction, where they incurred a loss on the sale or exchange of their stock in an SBIC. The third provision added to the Internal Revenue Code in 1958—section 1243—gave the SBIC an ordinary loss deduction, rather than a capital loss deduction, where it incurred a loss on the sale or exchange of convertible debentures acquired from small business concerns financed by it, or where the loss was on stock acquired through exercise of the conversion privilege.

One other provision—section 542(c)(8)—was added to the code in 1959 in an effort to exempt SBIC's from the surtax on personal holding companies.

Of these four tax provisions, you will note that two of them are essentially negative, one is defensive in nature, and only one offers any positive incentive to private investors.

The provisions relative to ordinary loss treatment on SBIC stock and on SBIC losses on convertible debentures merely cushion losses incurred by stockholders and SBIC's. The personal holding company surtax exemption, admittedly deficient and ineffective, is purely defensive. The only positive incentive to private investors is contained in the provision permitting SBIC's a 100-percent dividends received deduction.

But the latter provision has been of very limited effect for the reason that dividends declared by small business concerns seeking SBIC financing are very meager and very infrequent. And by their very nature dividends will probably continue meager. Capital gains are likely to be the prime basis for SBIC gain.

One overriding conclusion I reached as a result of our hearings was that we must do more—much more—in the tax area if we are to encourage additional private investment in this program.

The disturbing fact is that despite the significant accomplishments of this program to date, this year 1966 has seen more private funds leave the program than come into it. We must reverse this trend promptly and drastically, and I am convinced that changes in the tax laws relating to SBIC's and their shareholders offer one of the most promising routes to this goal.

This brings me to one of the more disturbing aspects of our hearings: we were reminded that legislation seeking to improve the tax climate for SBIC's and their shareholders has been introduced in every Congress since the enactment of the Small Business Investment Act of 1958. But except for the 1959 provision purporting to grant an exemption to SBIC's from the personal holding company surtax, not one tax proposal has been enacted into law.

The distinguished Senator from Alabama, chairman of the Select Committee on Small Business—in my judgment, the ablest man in Congress in this field—and I am talking about the Senator from Alabama [Mr. SPARKMAN], sponsored S. 979 when it was introduced in the Senate on February 6, 1959.

He also sponsored S. 903 when it was introduced in the Senate in February of 1961. He also sponsored S. 297 which was introduced in the Senate on January 18, 1963, and in the present Congress, he is the sponsor of S. 1854.

Every one of these bills has represented the sound and thoughtful thinking of the distinguished Senator from Alabama, the membership of the Select Committee on Small Business, and industry leaders concerned with the success of the SBIC program.

It is a sad fact, however, that not one of these bills has been enacted into law.

One of the most discouraging aspects of our hearings was the testimony of a spokesman for the Treasury Department who told our subcommittee last Friday that while Treasury has been studying S. 1854 for many months, it has not yet taken a stand for or against the provisions of that bill. We were informed that the Treasury Department wants more evidence of the need for additional tax legislation and proof of the worth of the program.

I say the record of our hearings offers all the evidence needed by the Treasury or any other body concerned with the future of this most promising program. I say that the SBIC program has proven its worth, but that it needs major additional incentives to achieve its great promise, and that one area in which the Congress could act most effectively would be in offering positive tax incentives to SBIC's and their shareholders, both those now in the program and others we would hope would come into it, given meaningful incentives to do so.

S. 1854 is really a rather modest bill. It seeks merely to clarify the types of financing instruments on which SBIC's may establish bad debt reserves and seeks to correct the personal holding company surtax exemption which Congress sought to extend to SBIC's in 1959. Its one major proposal would permit all SBIC's, whether or not registered under the Investment Company Act of 1940, to elect to be taxed as regulated investment companies. Such companies can, of course, pass through their earnings to their shareholders without payment of corporate income tax. Mutual funds are the best known type of regulated investment company.

This incentive, if extended to all SBIC's, would no doubt encourage substantially greater private investment in this program. And Congress set that as one of its goals in launching the SBIC program in 1958.

S. 1854 would also permit an SBIC to be a shareholder in a subchapter S corporation, thus enabling SBIC's to extend their financial and management assistance to an important area of our economy.

I say that S. 1854 is a modest bill. I say that Treasury should have concluded its study of the bill and made a report to the Congress many months ago. I am asking the Secretary of the Treasury to let me have the views of his Department on that bill at the earliest possible date.

I earnestly hope that the Treasury Department will find it agrees with the bill or at least suggest amendments or modifications of the bill, or, it would be better even to say that it opposes it rather than say nothing, for then we could start to take action. For 6 long years the Treasury Department has refused to act. One of the urgent needs has been to provide equity financing for small business. Instead, small business has been standing still. All of us favor small business. All of us recognize the serious problems facing small business. The most serious handicap is inadequate capital. This bill proposes to remedy that. The proposal of the Senator from Alabama [Mr. SPARKMAN] is designed to accelerate it. I think the Treasury Department should act.

I expect to have other tax proposals at a later date to offer to the Senate in order to strengthen the SBIC program, but I am hopeful that with the cooperation of the Treasury Department, we may yet be able to enact much-needed tax legislation on behalf of SBIC's in the present Congress.

SCHOOL MILK PROGRAM PROGRESSES IN HOUSE

Mr. PROXMIRE. Mr. President, I was delighted to learn last Friday that the House Agriculture Committee had reported legislation extending the school milk program for 4 years. This provision was part of a larger child nutrition bill which is quite similar to the Ellender child nutrition legislation, S. 3467. However, there is this one important difference. The House bill, H.R. 13361, makes it crystal clear that the school milk program is not a part of the school lunch program but, rather, is a separate and distinct entity.

Similar legislation was ordered reported by the House Committee on Education and Labor. Once again the legislation makes it clear that the school milk program is to continue to exist as a separate entity.

However, the fact that two similar bills have been acted upon by two House Committees raises the danger that a jurisdictional fight will develop. I sincerely hope that this jurisdictional question will be resolved so that the House can act quickly on a school milk program extension. School administrators as well as parents and children all across the country are eagerly awaiting Congress' final word on this important issue.

THE AIRLINES STRIKE

PRIVILEGE OF THE FLOOR

Mr. PROXMIRE. Mr. President, I ask unanimous consent that additional staff members of the Committee on Labor and Public Welfare may have the privilege of the floor during consideration of Senate Joint Resolution 186.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, the airline strike is now in its 26th day. The damage which has been inflicted on our economy is incalculable. When we inquire about the amount of damage being done, it is almost impossible to ascertain it. The interest of the general public, which is of paramount importance, is seriously affected. In the public interest and the interest of the parties to the dispute it is essential that Congress take affirmative action to settle the pending strike without passing the "buck" to the President.

I was personally disappointed with the resolution which came from the Labor and Public Welfare Committee, for it seemed to me to take a hide-and-seek approach to this emergency. As a matter of fact, it seems to me the resolution tries to take the responsibility which is that of the Congress and transfer it to the executive branch of the Government.

As we look at the resolution, it states that Congress finds and declares that emergency measures are essential to the settlement of this dispute, and so forth.

Then in section 2 it makes it discretionary on the part of the President as to whether he wants to invoke the authority granted by the resolution. In other words the authority is entirely permissive. Let me quote from page 2 of the report which states as follows:

> The authority vested in the President by this resolution is entirely permissive. The President is not required, nor is he necessarily expected, to exercise that authority.

The President, both under the National Labor Relations Act, and the Railway Labor Act, is vested with discretionary authority.

I ask, What answer is this that has been brought to the Senate by the committee?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. Let me finish this thought, and then I shall be glad to yield.

This matter is before the Congress of the United States because the Constitution of the United States provides that Congress has the power to regulate interstate commerce. We ought to do it. We ought to affirmatively deal with an emergency which substantially threatens interstate commerce and deprives any section of the country of essential transportation. We know we have the power to do it. By the resolution we are trying to abrogate what is our constitutional responsibility and let it be decided by the President. It seems to me that we are the ones, as the representatives of the people, the only spokesmen for the people, who should act on the matter. However, I hope the distinguished Senator from Oregon [Mr. MORSE] will offer his resolution, known as the Morse resolution, which seeks to bring about what I think provides for a realistic settlement of the dispute.

Now I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the State of Louisiana has not been injured by the strike nearly as much as have the States of Florida and Hawaii, among others. It seems to me if we are to make this our responsibility, we ought to vote on it or leave it. I am not happy to vote to force laboring men to go back to work when they do not want to; but if we must do it, then let us do it. If we do not want to do it, vote against the resolution, rather than throw a hot potato to the President and expect him to take care of the situation when it is not the authority and responsibility of the President to do so.

When the people of my State ask whether I voted to end the strike, I would prefer to be able to say that I either did or did not. I would not like to say: "I passed the buck to the President, talk to him."

Mr. SMATHERS. I agree 100 percent. After 26 days, the airline strike has injured the Nation. Let us not here today abandon our just responsibility by transferring it to the President to exercise it for us. Let us give him a bill that provides for affirmative action in the settlement of this dispute. I feel confident he will join with the Congress and sign such a measure. In this way we maintain and preserve the separation of power concept of government.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield on that point?

Mr. SMATHERS. I yield.

Mr. KENNEDY of Massachusetts. The fundamental question is whether a national emergency exists. I know that 85 percent of passenger air transportation service to my own city of Boston has been disrupted because of this strike. I am aware that the vacation industry of my State, which is our third largest industry, has been hard pressed as a result of this strike.

I am sympathetic with the question raised by the Senator from Florida and his references to the tremendous losses that have taken place. But one of the basic questions raised in the committee over the last 5 days was whether this strike constituted a national emergency. On that very point, the Secretary of Labor, in testifying, questioned whether there was a national emergency. At the same time the distinguished Senator from Oregon [Mr. MORSE] modified his resolution to apply section 10 of the Railway Labor Act, because the administration had not stated that there was an emergency.

Mr. SMATHERS. Mr. President, may I respond to that particular point?

Mr. KENNEDY of Massachusetts. Yes.

Mr. SMATHERS. In the resolution reported by the Labor and Public Welfare Committee it is stated:

> The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. KENNEDY of Massachusetts. That is correct.

Mr. SMATHERS. In the report it is stated that the dispute, under section 10 of the Railway Labor Act, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service.

Mr. KENNEDY of Massachusetts. On that very point, as the Senator from Florida knows full well, this language is used in the Railway Labor Act, and is entirely different from the language which applies to national health, welfare, and safety in the Taft-Hartley Act, and focuses over definition of "national emergency."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. This resolution uses the Railway Labor Act language. That language has been applied 167 times since the enactment of the Railway Labor Act, saying that essential transportation service for a particular section of the country has been affected in such a way to merit the establishment of an emergency board under that act. We agree with that. That language has been put into this measure.

Mr. SMATHERS. May I ask the Senator from Massachusetts this question? Is it not a fact that we have a very serious situation, and we want it to end, and that Congress has authority to end it?

Mr. KENNEDY of Massachusetts. The statement of the Senator is eminently correct.

Mr. SMATHERS. Then I ask the Senate, "Why do we not act?"

Mr. KENNEDY of Massachusetts. I would point out to the Senator from Florida that the proposed legislation reported by the committee is consistent with the legislative procedures that have been followed in these matters by Congress over the years. Traditionally we have given the power to the President to call emergency procedures into play when he determines there is a national emergency. It is not the Senate which has exercised that authority in the past.

Mr. SMATHERS. Congress can declare a national emergency at any time. The Senator is incorrect about that.

Mr. KENNEDY of Massachusetts. That would be an extraordinary exercise of legislative power. Under the Taft-Hartley Act and under the Railway Labor Act, the President of the United States has the authority. I ask the Senator from Florida if he does not agree on this point——

Mr. SMATHERS. No, I do not agree.

Mr. KENNEDY of Massachusetts. I ask him if he will not agree on this one point: With all the available resources which are available to the President of the United States, understanding the demands and the disruption which are evidenced in Florida and which are evidenced in Massachusetts, and the effects on national defense, the President of the United States is in the best position to determine when extraordinary action is needed. We can try to get the evidence before our respective committees, but we must rely on administration witnesses. And the Secretary of Labor was not prepared to state that there was a national emergency.

Mr. SMATHERS. My whole point is——

Mr. KENNEDY of Massachusetts. If the Secretary of Labor, with all the resources available to him, says there is not a national emergency, does not the Senator agree that it is not unreasonable for us at least to consider that statement as having some weight?

Mr. SMATHERS. Mr. President, I am not interested in what the administration is or is not doing. What I am interested in, and what I think we have got to do, is to face up to our own responsibility. Under the Constitution, Congress regulates interstate commerce. The Constitution gives us the authority and the right to declare a national emergency. We either have a national emergency now, or are about to have one. I think we are having one.

Again I ask the Senate, "Why do not we act?" We have the authority to do it. The time has come for us to do it. I say it is not right for us to take this hot potato and try to pass it on to the President. The situation is serious and we should face up to our own responsibility.

Several Senators addressed the Chair.

Mr. SMATHERS. I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, if we are going to vote for something, I would very much dislike to vote for a resolution that says Eastern Airlines will fly to Miami, but not to New Orleans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have 2 additional minutes, 1 for the Senator and 1 for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. It seems to me that if we are going to vote to end this strike, we ought to vote to end the strike, and if we are not going to vote to end the strike, we should vote not to end it. But I should hate to have voted for something, and then have somebody ask me, "What did you do? Did you vote to have the airlines fly from New Orleans to Washington, or not?" and have to say, "I do not know; what I voted to do was to throw a hot potato into the lap of the President."

Mr. SMATHERS. The report says that the President is not required nor is he necessarily expected to exercise this authority. It is purely permissive on the part of the President. If that is not throwing a "hot potato" into his lap then I am at a loss to clearly understand the action of the committee in reporting this type of resolution to the Senate.

Several Senators addressed the Chair.

Mr. SMATHERS. I yield first to the Senator from Oregon.

Mr. MORSE. Mr. President, I ask unanimous consent that the debate may continue for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I would not take the floor at this time, were it not for the fact that the Senator from Massachusetts [Mr. KENNEDY] has brought my name into the discussion. I shall answer the Senator from Massachusetts at some length this afternoon, as to the differences between my proposal and the resolution that he and the others who wish to pass the buck to the President of the United States are proposing, rather than assume what I consider to be their clear legislative responsibility here on the floor of the Senate.

It is true that I changed my resolution from what it was in the first place, from the use of the national emergency language of Taft-Hartley to the emergency language of the Railway Labor Act. But I would not wish what the Senator has said to imply that I do not think there is a national emergency. I have

said from the very beginning that there is a national emergency.

There is a national emergency, in my judgment, factually, under the definitive terms of Taft-Hartley, but that does not apply to the case at all, for the airlines do not come under Taft-Hartley, they come under the Railway Labor Act. But there is an emergency under the provisions of the Railway Labor Act, which deals with this question of fact, "Is there a substantial interruption of essential transportation in various sections of the country?"

There is no question about it. The precedents are legion.

But let me say that I, too, am at a loss to understand the report, and I am at a loss, and have been from the beginning to understand why Senators do not wish to pass legislation to order this strike brought to an end, in the interest of the party that now has become the most important of all three parties in this dispute—the public.

When we are dealing with a regulated industry—and they do not like to talk about this, may I say respectfully—an industry on which the taxpayers have spent hundreds of millions of dollars to provide the work opportunities for these men in the airports that they have built, and to provide the private enterprise opportunity for the carriers, the public are entitled to some consideration in regard to this interruption of essential transportation into various sections of the country. That is what we are dealing with here.

Of course, when the President signs a bill, he joins with Congress, then, in a measure such as I shall propose to end the strike. Why does not Congress wish to join with the President in passing a resolution which, before it becomes law, the President will have to sign, in which Congress votes to end the strike, and, if the President signs it, the strike will be ended?

Unfortunately, it is close to elections, and—speaking very respectfully—we have some Senators and Representatives who say, "Oh, no, the President is not a candidate in 1966, but we are."

What is that a surrender to? To certain men now sitting in the gallery listening to this debate, the labor lobbyists, who have brought forth a labor lobby against Congress the like of which I have not seen in my 21 years of service here. I have never surrendered to them nor to any other lobby, and I do not intend to surrender to them today. I intend to continue to support the public interest. That is the way to be fair to the workers in this industry.

I repeat, if we pass legislation in which Congress assumes its responsibility and does not pass the buck to the White House, and the President signs that legislation, then the President and Congress will join as partners—as they should—on such legislation to bring this strike to an end, protecting these men for a fair settlement, and giving them retroactivity when they finally reach a collective bargaining agreement.

That is the issue before Congress, and the senior Senator from Oregon does not intend, in the debate that will take place this afternoon, to let the opponents ever get away from that issue.

Several Senators addressed the Chair.

Mr. SMATHERS. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the Senator from Florida has asked the question, "Why do we not act?" There has been no answer given to that question, except what the Senator from Oregon has just said. I think it is obvious that we are hesitating and refusing to act because we have a fear of fulfilling our responsibility.

It is simple to find excuses when we do not want to act. One excuse for our failure to act is that we are not confronted with an emergency affecting the national interest. I cannot subscribe to that excuse. It is a convenient one. It is advocated for the purpose of avoiding the fulfillment of our responsibility.

I subscribe to what the junior Senator from Florida has said. I am not overly concerned whether the White House is fulfilling its responsibility.

Our concern should be over whether we are prepared to fulfill our responsibility or whether we are prepared to cringe on the floor of the Senate in abject surrender, lying face downward because we fear to fulfill our responsibility.

I believe that we are faced with a national emergency. The economy is affected. It is our responsibility to act in the interest of the people of the United States, and I contemplate doing that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RUSSELL of Georgia. Mr. President, I ask unanimous consent that the Senator from Florida and other Senators who wish to debate the question may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, the Senator from Florida has spoken very well and I am sure, correctly concerning the airline dispute, and how it affects his own State. I realize that it has a most deleterious effect in Florida and in many other areas of the country.

What proportion of intercity passenger and freight traffic would have to be affected, for a strike to be called a national emergency or a threat to the national interest?

Mr. SMATHERS. Mr. President, I am not able to answer that. I do not even want to speculate.

We saw what the stock market did on yesterday. We know what our general economy is. We know that if there has ever been a time when a strike of this character—has dealt a solar plexus blow to our economy, bringing increasing unemployment, and a continuous downward trend of almost every economic indicator, it is now. This strike is hurting us throughout the whole Nation. Of course, it hurts Florida very badly. Let me also point out that more than 150,000 travelers and 4,100 flights a day have been affected. Two hundred and thirty-one cities in the United States have had their air service limited. Seventy cities have no commercial traffic at all. All this adversely affects allied industries and business in the United States. The situation grows worse with each passing hour.

I believe I am safe in saying that there are between 50 to 100 million people who are adversely affected. It does not involve merely the 17,000 machinists who voted against this settlement which had been offered to them. Approximately 35,500 machinists were on strike, but only 17,000 of them voted not to accept what had been offered. Seventeen thousand people are literally bringing to their knees 50 to 100 million people.

The taxi drivers, the restaurant owners, and the gasoline men have been affected by this type and character of strike.

The Senator talks about Rhode Island. It may be that they do not have any particular problems concerning the Allegheny Airlines flying there. However, they are still very adversely affected. People cannot get from Alabama to Rhode Island this year. There is no way to get them there by air. However, that is not the point. The main point is that the entire Nation is adversely affected by this strike.

If the Committee on Labor and Public Welfare had an opportunity to say yes or no with respect to the national emergency, why did the Secretary of Labor say that the situation is approaching a national emergency? He said that certain conditions indicate that it is almost a national emergency. I could not tell whether he was on or off the point, but he was very close to it.

The fact is that he did say several days ago, when he first testified, that if the conditions continued for 2 or 3 days longer it would be a national emergency. The situation has continued and the time has come for us to act.

Mr. PELL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. PELL. Mr. President, just to place the information in the RECORD, the fact is that 96 percent of the people moving between cities are moving as they always have; 99.9 percent of intercity freight is still moving.

When the Secretary of Labor came to us yesterday, several days after his first appearance, he still testified that the Nation was not in a national emergency situation.

What we are talking about here is the enactment of legislation which would send men back to work against their will with the threat of a jail sentence or a fine if they do not comply. The Senate has not done this since 1917. This indeed is very heavy medicine.

I submit that this particular strike is not as serious an inconvenience to people as other strikes have been. This strike has inconvenienced the articulate, the formers of opinions, Members of Congress, and industrial leaders. Indeed, we are most aware of the situation. Granted general vacationers are also put at a disadvantage. But there was a bus strike which affected far more people; and a strike in the shipping industry which affected a greater segment of our economy.

This is the area in which we are remiss. The Congress should consider legislation of a general nature, as called for by the administration, to handle problems such as this.

Mr. SMATHERS. The Senator forgets one point. I do not like to mention it, but my son has returned from 2 years in Vietnam. He is having a hard time getting to the east coast because of the airlines strike. I presume thousands of others are in the same situation. There are all kinds of interruptions in the plans of people. That is not good, particularly when we have the machinery to get the problem settled in a very effective impartial, and objective manner.

The fact is that the board called in to hear the testimony investigated the strike and notified the President that in its judgment this dispute threatened to substantially interrupt interstate commerce so as to deprive the country of essential transportation service The collective bargaining process broke down. It is now time under such conditions for the Congress to take effective, affirmative action to settle the dispute and in so doing not "pass the buck" to the President of the United States. Let us discharge fully our own responsibilities. I am confident the President will discharge his.

Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, the Senator from Rhode Island said that nothing like this has happened since 1917. That particular strike took place in 1916. The court decision was in 1917. Congress acted before the court decision.

When there was a threatened railroad strike we went even further. When there was a threatened railroad strike in 1963, we passed legislation that prevented them from striking. We did not even wait for them to strike. That was even stronger action.

It has been said that there is no precedent. I want to say that the action taken by Congress in 1963 was even stronger than the proposal we are making today. The 1963 legislation prevented the strike.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I have made my point. I thank the Senator from Oregon. He is the Senator who gave me the information concerning the railroad labor dispute in 1916 and 1917. I should have used the correct year, because he was my tutor in the beginning.

Mr. KENNEDY of Massachusetts. Mr. President, the Senator from Oregon is too good a lawyer, I believe, to parallel the situation in 1963 and the situation that is before Congress at this time.

The action taken by Congress in 1963 was the result of a Presidential message which was extremely clear and outlined that the health, welfare, and safety of the Nation was in jeopardy if no action was taken by Congress.

To the contrary, in the present situation, the President has not made that case.

The Senator is not the best one to make a statement concerning the transportation problems between Alabama and Rhode Island. There is only one person who knows and who can quite rightfully say. That is the who has the benefit of all the information that has poured into the offices of the Secretary of Labor, the Secretary of Defense, and the other agencies. They are the people who can best determine what constitutes a national emergency.

There was a dialog earlier with respect to the opinion of the Secretary of Labor. I should like to read from the supplementary statement presented to the committee, in which he said:

> The question is whether to take away from one union, because of its intransigence, the right to strike which is the traditionally recognized means of all labor's enforcing its collective bargaining demands. That right would be worthless if it could be exercised only when a majority of the public agreed with what the union was seeking.
>
> Once—and only once—in the past 20 years, since World War II, has the right to strike been denied by a special law because a union's bargaining demands were considered unreasonable, and its threat to the public interest too great. That was in 1963 when a complete paralysis of the Nation's railroads was imminent.
>
> This isn't that kind of situation.

I believe that that opinion by the Secretary of Labor is extremely important, and should be considered by the Members of the Senate.

Mr. MORSE. I should like 5 minutes to reply.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I say to the Senator from Massachusetts that irrespective of what my legal abilities may be, on this matter I am on completely sound ground, because he is quite mistaken as to what happened in 1963.

In 1963, Congress did not follow the President of the United States. In 1963, Congress did not adopt the recommendations of the President. In 1963, the President recommended something quite different from what Congress did.

On the very day that the Senate took its action, I offered, at the request of the President of the United States, his program as a substitute for what was being proposed by Congress. I did this on August 27, 1963.

The President told me that morning that if the majority leader and I were the only two men who voted for his proposal, he wanted his proposal offered. We offered his proposal, and as I recall, approximately 15 Senators voted for it.

The President of the United States did not propose arbitration for the settlement of that dispute. The President did not favor compulsory arbitration for the settlement of that dispute. He had an entirely different program. I offered it and was defeated. I believe we made a great mistake in not following the proposal of the President in 1963.

The point I wish to make is that today we have a situation in which there is a strike, and in 1963 there was only the threat of a strike. It is true that in 1963 the President believed that the strike should be averted. He made a proposal which in essence would have put the matter before the Interstate Commerce Commission, for the Interstate Commerce Commission to consider it and to have jurisdiction over it for a period of time. The Senate rejected that proposal, and itself decided that it ought to take the matter into is own hands and vote for acceptance of its program.

So that I am at a loss to understand why the Senator from Massachusetts believes that the only one in this country who is capable of determining whether or not an emergency exists is the President of the United States. Congress has a clear responsibility, if it decides that the situation is serious enough to bring a strike to an end, to render that judgment, and it is competent to do that.

Mr. KENNEDY of Massachusetts. There is no question that Congress has both the authority and, under the Constitution, the power——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. MORSE. I yield. The Senator can use my time.

Mr. KENNEDY of Massachusetts. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY of Massachusetts. I do not dispute the presentation or the representations of the Senator from Oregon that Congress has the power to enact legislation this afternoon. There is no question about that.

The point which is fundamental to my earlier remarks is that the President of the United States made representations to Congress, in a special message, that there had to be action, quite clearly, because the health, welfare, and national security of the United States were threatened.

All I need do is refer to the CONGRESSIONAL RECORD of the day, and in this particular message the President said:

> The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.
>
> The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of GNP would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.

The President went on to say in summary:

> In short, the cost to the national interest of an extended nationwide rail strike is clearly intolerable.

Mr. President, this is exactly the kind of representation which was made in 1963, and Congress acted then, and it decided in its own good course which kind of action it would take. These kinds of representations have not been made in this instance.

All we need do is refer to the statements of the Secretary of Labor before the Committee on Labor and Public Welfare, on the two occasions he appeared, and we will find that he did not make this kind of case.

I believe that the President of the United States, quite clearly—to reiterate what I mentioned before—can make these determinations, can make these findings of fact, and can make these representations to the appropriate committee and to Congress. To date, they have not felt inclined to do so.

I do not question that Congress has the authority and the right. As a matter of fact, in a dialog with the Secretary of Labor, Senator JAVITS said:

Well, Mr. Secretary, I must say that leaves us very much in the air. When the President had a railroad strike threatened, he sent us a message and he asked for legislation. Now, he is either asking for it now or he is not, or he is neutral or something, and I think we as Senators should know what he is.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. MORSE. Does the Senator believe that the President will be neutral if, after legislation has been passed based upon the resolution I have offered, the President signs it? Does the Senator believe he would be neutral then? He is joining with us, as a partner, and we ought to be a partner with him, and not put the President off all alone to make the decision as to whether or not the strike should be ended.

If the President does not believe the facts warrant ending the strike, after we pass the resolution, then he will not sign it. There is that check. I was under the impression that we had a system of checks and balances.

METAL AND NONMETALLIC MINE SAFETY ACT—RESOLUTION BY INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

Mr. JAVITS. Mr. President, on July 28, 1966, the International Association of Governmental Labor Officials met in New Orleans. Officials representing the departments of labor of 35 States attended, and voted unanimously to urge the Congress to accept the State plan provision included in H.R. 8989, the Metal and Nonmetallic Mine Safety Act, as it passed the House—substantially the same provision which I offered as an amendment and which was defeated on the Senate floor by only one vote.

Mr. President, for the information of Senators—and particularly those who may be appointed conferees on this bill—I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS, RESOLUTION NO. 3, METAL AND NONMETALLIC MINE SAFETY

Whereas, the United States Senate and the United States House of Representatives have approved variant versions of H.R. 8989 entitled: Federal Metal and Nonmetallic Mine Safety Act;

Whereas, such act is designed to require the United States Secretary of the Interior to develop and promulgate safety standards for the protection of life, the promotion of health and safety and the prevention of accidents in mines and to enforce such regulations in all mines within the United States;

Whereas, many of the states in which mining is a significant industry have already enacted laws and promulgated regulations which provide for a broad scope of protection of most of the employees engaged in mining within such states, which laws and regulations are usually enforced by a sufficient number of trained inspectors;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives provides in Section 13(b) thereof that the Secretary of the Interior shall approve the plan of a state which desires to assume responsibility for the development and enforcement of health and safety standards in mines located in such state whenever such state plan meets specified criteria relating to the substance of such state's safety laws and regulations, to such state's enforcement procedures, and to the provision by such state of appropriate reports to the Secretary;

Whereas, the version of H.R. 8989 which was passed in the House of Representatives also provides in Section 13(d) thereof that the refusal of the Secretary of the Interior to approve a plan submitted by a state shall be subject to judicial review provided, however, that the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive;

Whereas, the version of H.R. 8989 which was passed by the House of Representatives further provides in Section 13(e) thereof that the regulations promulgated by the Secretary of the Interior shall not apply within a state the plan of which has been accepted nor shall the Secretary of the Interior enforce the statute within such state (Section 4);

Whereas, the version of H.R. 8989 which was passed by the Senate also provides in Section 16 thereof for the Secretary of the Interior to approve a state plan which satisfies specified criteria relating to such state's procedures for the enforcement of national safety standards and to the provision by such state of appropriate reports to the Secretary, but does not recognize the substance of such state's safety laws and regulations, does not provide for judicial review of the refusal of the Secretary to approve a state plan, and requires the Secretary to inspect mines within states in which a state plan has been approved, except, in the absence of an emergency, that he shall not inspect such a mine unless a state inspector participates in such inspection;

Whereas, the version of H.R. 8989 which was passed by the Senate would undermine the substance of the mining safety laws and regulations and the enforcement practices of states which are engaged in protecting employee health and safety in mines, and would subject the mines in such states to duplicate inspections by state and national inspectors;

Whereas, the version of the bill which was passed by the House of Representatives would preclude duplicate inspection of mines, maintain the integrity of the mine health and safety plans of states which have effective plans and would assure national standards and national enforcement in states which do not have effective plans;

Whereas, a Conference Committee is being appointed to resolve the differences between the versions of H.R. 8989 which have passed the House of Representatives and the Senate: Now, therefore, be it

Resolved, that this Association affirms its preference for the version of H.R. 8989 which was passed by the House of Representatives, with specific reference to Section 13 of such bill; and respectfully urges upon the Conference Committee of the United States Congress the adoption of Section 13 of the House of Representatives version of H.R. 8989 or language substantially similar to that section; and requests the Secretary-Treasurer of the IAGLO to transmit to the members of the Conference Committee a copy of this Resolution.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a list of the State representatives who attended the meeting of the International Association of Governmental Labor Officials.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REGISTRATION LIST, 49TH ANNUAL IAGLO CONVENTION, NEW ORLEANS, LA., JULY 25, 1966

Alabama: Mr. Arlis R. Fant, Director, Department of Labor.

Arkansas: Mr. Bill Laney, Commissioner, Department of Labor.

California: Mr. A. C. Roth, Chief, Farm Labor Services, Department of Industrial Relations.

Colorado: Mr. Albert S. Mangan, Member, Industrial Commission; Mr. Walter W. Johnson, Member, Industrial Commission; Mr. Richard E. Moss, Secretary, Workmen's Compensation Division.

Connecticut: Mr. Renato Ricciuti, Commissioner, Labor Department.

Delaware: Mr. Joseph A. Bradshaw, Chairman, Department of Labor and Industrial Relations; Mr. Harold T. Bockman, Speaker of the House, Delaware; Mr. Joseph A. Reese, Chief of Wage Collection.

District of Columbia: Mr. Richard R. Seideman, Executive Secretary, D.C. Min. Wage Board; Mr. Charles F. Wilson, Employee Representative, D.C. Minimum Wage Board; Mr. Edward J. Austin, Employer Representative, D.C. Minimum Wage Board.

Florida: Mr. Charles Harris, President, Florida State Federation Labor Council, AFL–CIO; Mr. Walter L. Lightsey, Member, Florida Industrial Commission.

Georgia: Mr. L. C. Butcher, Fiscal Officer, Department of Labor.

Hawaii: Mr. Alfred Laureta, Director, Department of Labor & Industrial Relations.

Idaho: Mr. W. L. Robison, Commissioner, Department of Labor.

Illinois: Mr. John E. Cullerton, Director, Department of Labor.

Iowa: Mr. Dale Parkins, Commissioner, Bureau of Labor.

Kansas: Mr. Leonard R. Williams, Commissioner, Department of Labor.

Kentucky: Dr. Carl Cabe, Commissioner, Department of Labor; Mr. James H. Sandlin, Director, Labor Standards; Mr. Leonard J. Dunman, Director, Division of Occupational Safety; Mr. Murray E. Combs, Executive Assistant to the Commissioner.

Louisiana: Mr. Curtis C. Luttrell, Commissioner, Department of Labor; Mr. Eugene Guillot, Jr., Deputy Commissioner; Mrs. Lazell James, Administrative Assistant; Mrs. Sarah Goostree, Secretary.

Maryland: Mr. Bill Welch, Deputy Commissioner, Department of Labor and Industry.

Massachusetts: Mr. Rocco Alberto, Commissioner, Department of Labor and Industries.

Michigan: Mr. Thomas Roumell, Director, Department of Labor.

Missouri: Mr. Jim Butler, Chairman, Industrial Commission.

New Hampshire: Mr. Robert Duvall, Commissioner, Department of Labor.

New Jersey: Mr. Raymond F. Male, Commissioner, Department of Labor and Industry; Mr. George D. McGuinness, Chief Fiscal & Personnel Officer; Mr. William J. Clark, Director, Wage and Hour Bureau.

New Mexico: Mr. John F. Otero, Labor Commissioner, Labor and Industrial Commission.

New York: Dr. M. P. Catherwood, Industrial Commissioner, State Department of Labor; Mr. Carl J. Mattei, Director, Division of Industrial Safety; Mr. Ralph Vatalaro, Jr., Director, Public Relations; Mr. Dan Daly, State Department of Labor; Mr. Jerome Lefkowitz, Deputy Commissioner; Mr. W. W. Motley, Consultant.

North Carolina: Mr. Frank Crane, Commissioner, Department of Labor.

Ohio: Mr. William O. Walker, Director, Department of Industrial Relations.

Pennsylvania: Mrs. Marjorie Tibbs, Director, Bureau of Women and Children.

Rhode Island: Mr. John J. Hall, Director, Department of Labor.

Tennessee: Mr. W. H. Parham, Commissioner, Department of Labor; Mr. Paul Phillips, Assistant Commissioner of Labor.

Texas: Mr. Charles H. King, Jr., Commissioner, Bureau of Labor Statistics; Mr. A. V. Fletcher, Administrative Asst.; Mr. Tommy V. Smith, Chief Deputy, Bureau of Labor Statistics.

Utah: Mr. John R. Schone, Commissioner, Utah Industrial Commission.

Virginia: Mr. Edmond M. Boggs, Commissioner.

Washington: Mr. Harold J. Petrie, Director, Department of Labor and Industries; Mrs. Maxine Daly, Commissioner, Employment Security Department.

West Virginia: Mr. Lawrence Barker, Commissioner, Department of Labor; Mr. Walter L. Snyder, Director, Division of Employment Standards; Mr. Curtis I. Yago, Director, Division of Safety, Department of Labor.

Wisconsin: Mr. Gene A. Rowland, Commissioner, Ind. Commission of Wisconsin; Mr. Douglas N. Ajer, Director, Division of Labor Standards; Mr. Russell Berg, Deputy, Division of Labor Standards.

Wyoming: Mr. Paul H. Backman, Commissioner, Department of Labor and Statistics.

UNITED JEWISH APPEAL DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR OF ISRAEL

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD certain speeches by the President of Israel, Zalman Shazar; the general chairman of the national United Jewish Appeal, Max M. Fisher, of Michigan; and Gov. Nelson Rockefeller, of New York, at a dinner given by the United Jewish Appeal of Greater New York and the National United Jewish Appeal for the President of Israel last night at the Plaza Hotel, at which my colleague the Senator from New York [Mr. KENNEDY] and I had the privilege of being present. This great dinner was addressed also by Monroe Goldwater, of New York, president of the United Jewish Appeal of Greater New York.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ADDRESS BY MAX M. FISHER, GENERAL CHAIRMAN, UNITED JEWISH APPEAL, AT UJA DINNER IN HONOR OF PRESIDENT ZALMAN SHAZAR, OF ISRAEL, PLAZA HOTEL, NEW YORK, MONDAY EVENING, AUGUST 1, 1966

Mr. President, Mrs. Shazar, distinguished representatives of the U.S. Government, of Israel, of the State of New York, fellow officers and friends of the United Jewish Appeal, and honored guests: It is with a deep sense of privilege—and the warmest feelings of personal friendship—that I open this meeting.

On many occasions, Mr. President, you have welcomed most of us in this room to Israel.

You have received many of the leaders of the United Jewish Appeal individually, and you have received large groups of us on missions—at the Bait Ha-Na-See, the house of the President in Jerusalem.

Every visit we have ever made with you has been an unforgettable occasion for each one of us.

It was made memorable—first of all—by the warmth of your reception.

For myself, I will never forget meeting with you as I was about to assume the general chairmanship of the United Jewish Appeal.

You noted then that you were not only interested in assisting UJA in any way possible—as a matter of principle—but that you felt you had a special obligation to help me because we were practically "mispocha." . . . Since my father had emigrated from the region of Minsk to go to America . . . even as you did, to go to Palestine.

But in addition to the warmth of your friendship we remember our meetings with you for other things—for the wisdom of your words and for the wonderful sense of history which surrounds such an occasion on meeting you.

Each one of us has felt privileged knowing that we were doing something that Jews before us were unable to do for twenty centuries.

We knew that we were standing in pride and in honor with a head of state—a President—of a reborn sovereign and independent, Jewish state.

Having been your guests then—having enjoyed your great hospitality—it is with the greatest pleasure that we welcome you and Mrs. Shazar as our guests to this great city and State of New York—and to the United States of America. We have followed your visit to the Western Hemisphere with genuine interest.

We have noted with pride and satisfaction how cordial the response has been of the peoples you have visited—to Israel—and to you, personally.

We are sure that your journey has already provided you with many treasured memories.

But it is our heartfelt hope that this meeting and your stay in this great country will be the most memorable part of your visit.

Mr. President, I will not have the pleasure of introducing you to this audience this evening. That honor will go to a great leader of UJA and the Jewish community of this city.

But before we reach that introduction, I think it would be most appropriate if I introduced this distinguished audience to you. I wish that I could introduce each individually, but let me say—simply and directly—that they are a most remarkable group of Americans and Jews.

They are here because they are leaders—men and women of heart and action. But more than this, they are here because each has been filled with a deep love of his people, and each has caught a personal glimpse of a great vision.

In our long history, we Jews have produced many men who have used their abilities and their means to advance the welfare of both mankind and their fellow Jews.

But I think it can be said that the great events and upheavals of our times have produced a whole generation of such men, and these are some of the leaders of that Jewish generation. I say "some of the leaders" because there are several thousand other similar leaders who would have wished to be here tonight.

These are men who have exhibited their leadership in many ways—in great causes for the American general community—in building our American Jewish life, building local Jewish communities and in assisting in the advance of Israel, through Israel bonds, economic development, and many other ways.

But above all, the men and women present have all contributed to the development of that remarkable and inspiring movement—called the United Jewish Appeal.

Mr. President, I know that you are familiar with the main facts about UJA. You are aware that it was formed on the eve of World War Two in a desperate hour to help save the Jews of Europe threatened by Hitler.

You know, too, that it represented an alliance of great institutions in American Jewish life, of the joint distribution committee, which has helped to save literally millions of Jews since world war one, and the United Israel Appeal, which has long served to promote the settlement and upbuilding of Palestine, and since 1948—of Israel.

You are familiar with the fact that in 1946 American Jews—through the United Jewish Appeal—raised $100 million to save the survivors of the concentration camps—the first $100 million in a year ever provided by a single group, in a single year, acting voluntarily.

You are aware too, how American Jewry, mobilized by the UJA, stood with the people of Palestine, in meeting crisis on crisis, for our people abroad. How—in a small way—we were able to help bring about that great day in 1948 that saw Israel reborn. How we have since helped to bring a million and a quarter immigrants to Israel and how we have helped in many other ways to speed the remarkable development which has taken place in Israel in 18 short years.

In this room there are men and women who have been a part of the UJA since it was founded nearly 30 years ago. There are other men who have taken up the challenge of UJA from wonderful fathers who were once our leaders. And there are still other men who have grown to manhood in that time, who rallied to UJA as they took their place as leaders in our community.

What is remarkable is that the UJA—after nearly 30 years—is still the great rallying point of American Jewry, and the American Jewish leadership. These men who have been the heart of the UJA movement have received no special honors. Year after year they have given with a generosity that has aroused the admiration of the entire American community, and has made possible, the raising of more than $1½ billion.

And they have given also of their time, their energy, and their leadership, and above all, gotten others to do the same.

What has motivated them? What has caused them to assume the leader's role? As I see it, Mr. President, they have been moved by a deep sense of responsibility for their fellow Jews.

They were determined that Hitlerism should not mark the end to the great and noble story of the Jew. They believed that Jewish lives were as precious as any other lives—and that if no one else would save them, they would.

But in addition to this, Mr. President, I believe there came a time when each man here caught a glimpse of a special vision.

Each saw, each came to believe, that out of the tragedies of the distant past and the great tragedy of the more immediate past, when we saw 6 million jews killed by Hitler, there could come a new beginning, a new day, for our people—and that ours was the generation chosen to bring this about.

Yes, each man here dared to think with you in Palestine, that ours was a chosen generation, that in our time we could end age-old suffering and bring light, where there was darkness. They have had their reward, Mr. President, we have all had it.

We have had it in the knowledge that there is a state of Israel, proud, and strong, and forward looking.

We have had it in the daring of Israel's pioneers and leaders—in the heroism and the courage—of Israel's youth—in the continuing progress in the land—in the bright and sparkling faces of Israel's children unmarked by fear—in Israel's willingness to share her knowledge and know-how for the benefit of other peoples—in Israel's devotion to freedom, democracy, and human betterment.

Yes, we have had our reward in many ways that are meaningful and satisfying. Above all, we have had our reward and we still have it, in the knowledge that when the call came to us, as it came to you in Israel, we did not fail. With you we have saved Jewish lives. With you we have helped to restore the land and reopen the gates. With you we have helped to change the world, after 20 centuries, for those of our people faced with suffering and oppression.

And finally, we have our reward, in knowing that we shall go on doing these things with you—that these are the great tasks which it has been given us to do in our time—and in our generation.

With humility, with thankfulness, and with pride, we shall continue to do them together with you to the best of our ability.

TEXT OF REMARKS BY PRESIDENT ZALMAN SHAZAR OF ISRAEL AT THE DINNER GIVEN BY UNITED JEWISH APPEAL, PLAZA HOTEL, MONDAY, AUGUST 1, 1966

Mr. Fisher, Governor Rockefeller, Senator JAVITS, Senator KENNEDY, Ladies and Gentlemen:

I am most grateful to you for your invitation to be here with you tonight. During the few days which Mrs. Shazar and myself have spent in New York we have been shown every kindness and hospitality and we are deeply grateful.

Tomorrow I shall have the great pleasure of meeting with the President of the United States. I took forward to this opportunity to tell him how much we in Israel appreciate his leadership for the progress and independence of small nations.

You have made it possible for me now to meet representatives of the largest single community of Jews in the world, a community which, together with the free Jewish communities in other countries, has been playing a role of extraordinary significance in the history of our generation.

You here and the community we have created in Israel are the two forces which, in effective partnership, have made possible the resurrection of the Jewish people after the Nazi holocaust. Together we have endeavored not only to give the Jewish people a new lease on life, but to assure it of security and dignity for the future—to give Jews freedom to express their attachment to their people and to create in accordance with their tradition and their historic experience and needs.

You in the United Jewish Appeal in New York City and throughout the United States have been particularly concerned with the sacred task of helping Jews to transfer themselves from conditions of subjection, discrimination and fear, to conditions of freedom, above all in Israel.

None of the goals of this partnership have as yet been completely reached.

There are still many who yearn for freedom.

We cannot say that we have completed the central task of creating the cultural, religious and spiritual institutions which must take the place of the great centers of Jewish life so brutally destroyed in Europe.

Nor can we say that we have finished the job of absorption for those we have helped to bring to Israel. The initial steps of immigration and the provision of housing must be supplemented by thorough economic and cultural integration. Unless the new immigrant whom you help to bring and settle in Israel is not further helped to attain the skills and education and social services that will make him and his children rooted and creative members of the community, our pledge to the newcomer has not been honored and the future of Israel itself will be profoundly and sadly affected. This is a challenge to us all which I trust we shall be able jointly to meet.

Yet we cannot sufficiently emphasize that the last eighteen years have been years of great achievement for Israel. Hundreds of thousands of our people have been helped to live as free men should. We have created, I think, a firm and unshakeable foundation for cultural and spiritual progress. There are more schoolchildren in Israel today than the size of the entire population in 1948. These children are being given ever greater opportunities to educate and develop themselves as human beings and as Jews. We have been able to stimulate Jewish research and learning and attract to it fine young minds.

My long acquaintance with United States Jewry leads me to conclude that striking progress in cultural fields has been made here as well. I am particularly happy to have had the chance during my stay here of re-establishing personal contact with many of your religious leaders and cultural and literary figures. But it has been a matter of special satisfaction to me to learn that many more have gone to Israel for the summer and that I will be seeing them a week from now in Jerusalen. This is a practical indication to me of the extent of the partnership and interchange between us, in the area of Jewish religious and cultural development. I am sure that this is a partnership which is destined to grow even closer.

During the course of my life I have seen and experienced the great transformations and convulsions that have swept the Jewish people. There is much, very much, to remember that no longer exists. There is much to mourn. But it is easier to look forward to a bright future for the Jewish people in 1966 than it was in 1906 when I was a boy. It is easier to be confident about the future of Israel in 1966 than it was in 1924 when I first came there or than it was in 1947 and 48 when the world recognized our right to our modest place under the sun in our ancestral home.

None of this happened by itself: it was born of a need for freedom and of a determination to achieve it. The need continues, but I think that the degree of determination and of consistent practical effort has not weakened. Your presence here tonight in the cause of the United Jewish Appeal seems to me profoundly indicative of this.

We have not had an easy road in Israel these last eighteen years and we are still surrounded by openly expressed hostility. But we have grown in every aspect of our national life and in our capacity to defend our freedom.

May I in conclusion make this reflection. The first and immortal President of Israel, Dr. Chaim Weizmann, was in this city of New York as the major spokesman of our aspirations before the United Nations when, in 1948, he was elected the President of the Provisional Council of the newly proclaimed State of Israel. The second president of Israel, my life-long, unforgettable friend, Izhak Ben-Zvi, found refuge in this city in the early days of World War I when he was exiled from the Land of Israel by its then rulers and he returned to our country as a soldier in the first Jewish Legion to be created in modern times. And now I have the honor to be received by you as the third president of Israel. In this capacity I wish to convey to you my deep conviction that this partnership of the free forces in Jewish life, of which I spoke before, is destined to continue, ensuring the course of Jewish history and enriching the life of the whole world.

EXCERPTS OF REMARKS BY GOVERNOR ROCKEFELLER PREPARED FOR DELIVERY AT THE DINNER HONORING PRESIDENT SHAZAR OF ISRAEL, UNITED JEWISH APPEAL OF GREATER NEW YORK, HOTEL PLAZA, NEW YORK, N.Y., MONDAY, AUGUST 1, 1966, 6:30 P.M.

On behalf of the people of the State of New York, I bid you welcome, Mr. President—Shalom, Hanassi. We welcome you as a distinguished scholar and gifted writer; we welcome you as a revered philosopher; and, most of all, we welcome you as the leader of a young, vigorous and vibrant democracy that has captured the American imagination and won the American heart. I am also delighted to welcome Mrs. Shazar to our shores—for she is a remarkable woman, a true Israeli Halutza—a pioneer—and a fine author in her own right.

I'd like to point out, Mr. President, that you and I have a common responsibility. We are each accountable to about two and one half million Jewish citizens. And our nations are joined by so many bonds of humanity, history and common experience.

In the last century, an impassioned American poet proclaimed the promise of America to the world:

"Give me your tired, your poor, your huddled masses . . ."

These words of Emma Lazarus are engraved for all time on our Statute of Liberty in the Port of New York. In this century, they could emblazon the ports of Haifa and Jaffa just as well.

Both our nations—one of the world's oldest democracies and one of the world's youngest—have opened their arms wide to millions. As in the dreams of the Hebrew prophets, we have both been enriched by the gathering of the Exiles.

The more recent migration to Israel—still fresh in our minds—is one of the great, moving dramas of this age. Over a million people—a shattered remnant of the nightmare of Nazism—gathered at a small, barren and all-but-forsaken land. They came from over 70 nations. They took root alongside those who came before them. And just as in this country, the immigrant—by his sweat and by his toil, by his vision and by his creativity—helped to forge a new nation.

By these massive infusions of new blood, both our countries became half-brothers to the whole world—with something of almost every land to be found within us. In fact, long ago we almost became even closer.

One of my scholarly friends recently pointed out to me a fascinating footnote to American history. It seems that our Pilgrim forefathers seriously discussed making Hebrew the official tongue of the New World.

Other ties join us, but I want to mention just one more personal link between President Shazar and myself. Some years ago, Mr. Shazar had an able special assistant, a charming young Israeli woman by the name of Lea Ostrovsky Ben Boaz. On my own staff, I have an able Press Secretary in Leslie Slote. Today, the former Miss Ben Boaz is Mrs. Slote. All of which both Les and I regard as an extremely favorable U.S. balance of trade with Israel.

I would like to tell you of some thoughts I had when I received the kind invitation of the United Jewish Appeal to be here tonight. Two images flashed through my mind. The

first was of the Israel we know today: a nation that made the Negev bloom . . . a nation that swiftly created great seats of learning—the Hebrew University, the new Tel Aviv University, the Weizmann Institute and the Technion . . . a nation throbbing with industrial activity and new agriculture . . . a nation of refuge and new hopes for humanity. Then my mind rushed back to a time two brief decades ago when all this was only a dream . . . and the only realities were tens of thousands of displaced Jews herded into the camps of Europe—and off in the distance a strange, untried land. The United Jewish Appeal played a heroic role in joining these people with that land.

I remember going to Eddie Warburg back in those days when he was the UJA chairman. I felt very deeply that the task of resettling this exodus of homeless Jews was a challenge and responsibility not only of the Jewish community but of free men of all faiths. Therefore, I asked him if he would permit me to organize a Non-Sectarian Community Committee for the New York United Jewish Appeal. His response was immediate, and I was proud to have become its first chairman.

To me, the work of the Non-Sectarian Committee dramatized an enormously important principle. It demonstrated our conviction that all civilized men shared the duty of redressing the outrage committed against the Jewish people.

Israel succeeded. The UJA played its part in that success. And I am grateful to have had the chance of playing even a small part over the years. But there is one thing, Mr. President, that I assure you we understand only too well.

Israel was born and Israel prospers in a sea of deep hostility. And as long as fear and danger cloud the lives of your brothers, as long as help is needed, I know that the UJA, under your able chairman, Max Fischer, will keep open its lifeline to Israel.

But I would also like to see fresh, new initiatives emerge from Washington in pursuit of a true and lasting peace for your troubled corner of the world.

America must not let its vital and active commitment to freedom in other parts of the world obscure the dangers to the peace of the Middle East. The United States should and must exercise its full moral force within the United Nations to bring Arab and Jew together in lasting peace.

Mr. President, over 140 years ago a great American said, "I am happy in the restoration of the Jews." In the fullest sense, Thomas Jefferson's words were premature. But today his sentiment is echoed by Americans from coast to coast.

We are happy in the restoration of the Jewish homeland. We are thrilled to have witnessed its birth in our time. We are proud to have assisted its swift growth. And we wish you and your brave, young nation long life . . . prosperity . . . freedom . . . and peace.

EASE OF OBTAINING FIREARMS RESULTS IN SLAUGHTER

Mr. KENNEDY of Massachusetts. Mr. President, Charles Joseph Whitman shot 15 people to death yesterday, and wounded 32 others. There was no rational explanation for this senseless slaughter; it was the product of the maniacal impulse of a diseased mind. But Charles Joseph Whitman was not alone. He was aided and abetted by the system of laws in this county—a system which makes it ridiculously easy for any criminal, any madman, any drug addict and, indeed, any child to obtain lethal firearms which can be used to rain violence and death on innocent people.

When the police finally stopped this mad killer, they found next to him on the Texas tower an incredible array of deadly weapons: a 12-gage shotgun bought on credit at Sears, Roebuck that day, a 6-millimeter Remington magnum rifle, a .35-caliber Remington pump rifle, a .30-caliber reconditioned Army carbine, a 9-millimeter Luger pistol, and a .357-magnum pistol; also, two rifles and two derringer pistols were found in his home.

It may be, as some people argue, that if someone wants a gun badly enough he will be able to obtain it one way or another, regardless of the existence of laws regulating the sale of guns. But it seems obvious to me that we have a responsibility to do everything we can to minimize the senseless bloodshed and crime effectuated through these instruments of destruction. I know of no other civilized country in the world where it is as easy for the dangerous and misguided members of a society to obtain firearms as in the United States.

We are all familiar with the statistics of our failure: 200,000 victims of gun atrocities each year, and the crimes of violence committed with a gun every 2 minutes in the United States.

Decisive action to regulate and control the dangerous traffic in firearms is long overdue. The Senate Juvenile Delinquency Subcommittee, of which I am a member, has reported to the full Judiciary Committee a firearms control bill which would provide basic minimum controls over mail-order interstate traffic.

This bill is not a panacea, and it will have to be matched by responsible legislative action at the State level before truly effective gun regulation can be achieved. But this Federal action is clearly a necessary first step. Unless the Federal Government regulates gun traffic between the States, even strong State laws will be easily circumvented by gun traffic interstate. In 1963 alone, for example, over a million weapons were sold by mail order. In Massachusetts, which has strong gun laws, the traffic in guns cannot be halted because guns are easily purchased out of State. As a matter of fact, Commissioner Caples, of the Massachusetts Department of Public Safety, testified before our subcommittee that 87 percent of the concealable firearms used in crimes in Massachusetts came from out-of-State purchases.

Massachusetts cannot control this interstate traffic in guns, but the Federal Government can, and the Federal Government must, because such regulation is a precondition to effective State regulation, without which the grim statistics of death and destruction can only continue to mount.

It is well known that this legislation is strongly opposed by the National Rifle Association and other members of the gun lobby. I do not quarrel with their rights to express their opposition to this legislation, but I also do not believe that their opposition represents the best interests of this country or the wishes of the great majority of our citizens.

This legislation is supported by the President of the United States, by the American Bar Association, and by a host of religious and civic groups. It is given a high priority by the law enforcement groups throughout our Nation, and I think it commends the support of the great majority of the American people.

Senator DODD's bill, S. 1592, will be taken up by the full Judiciary Committee in the near future. I intend to work to see it is favorably reported by our committee and that it is enacted into law. We have heard from the lobby representing the gun manufacturer and the sportsman and the hunter. Now let us hear from the lobby of the American people, for those of us in Congress who are concerned about the need for effective gun control need their support in the fight which looms ahead.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Florida.

Mr. SMATHERS. Mr. President, I wish to associate myself with the Senator from Massachusetts [Mr. KENNEDY] on this particular legislation.

I hope that this bill will be reported by the Committee on the Judiciary. It is long overdue.

I think that the unfortunate tragedy in Texas yesterday more than anything else points out the necessary of passing the bill.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Florida.

SENATOR MORSE CITES RECORD IN REPLY TO ARTICLE ENTITLED "HELL HATH NO FURY LIKE WAYNE MORSE SCORNED"

Mr. MORSE. Mr. President, I have received a copy of the publication, the Machinist, for August 4, 1966. The publication has an article under the heading "Hell Hath No Fury Like WAYNE MORSE Scorned."

I am sure that the machinists would want that in the RECORD. I am sure that no one in the Senate would think he was free to insert it in the RECORD because of the rules of the Senate, but I certainly would like to accommodate the machinists by asking unanimous consent to have printed in the RECORD at this point the article from the Machinist of August 4, 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELL HATH NO FURY LIKE WAYNE MORSE SCORNED

The question has been asked a thousand times these past few weeks: What has happen to WAYNE MORSE?

The Senator from Oregon has been one of labor's heroes. With only the late Sen. William Langer of North Dakota beside him, he defied the steamroller that stamped the anti-union Landrum-Griffin bill into the law books.

In his 20 years in the U.S. Senate he has had scarcely a wrong vote in the Machinist's annual report card on Congress.

Last week, it was a new WAYNE MORSE who goaded the Senate, trying to ram

through an emergency resolution to break the solid airline strike.

Last month, Senator MORSE chaired the Presidential Emergency Board that recommended an unacceptable settlement of that dispute. When airline employees struck, rather than accept the Morse Board recommendations, he tried to declare a national emergency and force union members to accept his terms.

FIVE O'CLOCK SHADOW

Since the strike started, MORSE has risen in the Senate almost daily to denounce the union and the strikers and anyone who supported them. He has revived a technique he once used on behalf of Oregon's sheep raisers to break price control on wool. In the years after World War II, he became famous as the Senate's "5 o'clock shadow" for his late-afternoon speeches denouncing the Office of Price Administration.

Old timers report that in his bitterest moments he never treated the old OPA to such a bombardment of intemperate invective and insult as he has heaped on the airline strikers and their union officers.

MORSE began by calling the union leaders unpatriotic, charging them with failing to carry out their responsibilities to the troops in Vietnam. He has repeated the charge on several occasions despite the fact that Department of Defense officials were praising the union for continuing to service military flights without interruption.

At last week's Senate hearing, Secretary Wirtz testified that air movement of materiel and military personnel had actually increased during the strike.

To Senator MORSE, the strikers' failure to embrace his recommendations was "unconscionable," a "flagrant irresponsibility," an attempted "extortion."

One day on the Senate floor he described AFL–CIO President George Meany as one "who claims to be a labor leader."

Almost daily since the strike began, MORSE has questioned the competence, the sincerity, the emotional and mental stability of union negotiators.

It was Senator MORSE, not the President or the Department of Defense who decided that the airline strike had created a national emergency. Their testimony to the contrary did not influence him.

In the Senator's opinion, any settlement including a cost-of-living clause, hospital coverage for dependents, a company-paid pension plan, or a 10-cent premium for airline mechanics when they are using their Federal licenses would "lead the country over the brink into the bottomless pit of economic inflation."

In the last hysterical hours before the Senate Committee blocked his resolution, MORSE was charging that the union proposals would destroy the value of the dollar.

THE METAMORPHOSIS

Those who probe for reasons why Senator MORSE switched from labor's champion to strikebreaker say that the change has been coming on gradually for several years.

In foreign affairs, Senator MORSE has been moving steadily away from the AFL–CIO position.

MORSE has become an implacable critic of the U.S. foreign aid program which the Government has used to encourage and strengthen resistance to Communist aggression. MORSE even left last week's Senate hearing on his own resolution to vote against the Administration's foreign aid program.

The AFL–CIO has always supported the foreign aid program.

THE AGGRESSIVE DOVE

On Vietnam, Senator MORSE has been the most aggressive of the Senate doves, attacking U.S. military involvement in Southeast Asia. He has insisted that the job be done by the United Nations although the Hanoi government has spurned every effort of the UN to intervene.

The AFL–CIO, including the Machinists, has been outspoken in support of the President's policies of halting Communist aggression in Southeast Asia and elsewhere.

Coincidentally, two other Senate doves, BARTLETT of Alaska and CHURCH of Idaho, entered material in the CONGRESSIONAL RECORD denouncing the airline strike.

Labor's most serious break with Senator MORSE happened last month in the Oregon Senate primary. MORSE hand picked Howard Morgan, former member of the Federal Power Commission, for the Democratic nomination. The AFL–CIO and the IAM backed Rep. ROBERT B. DUNCAN. Morgan—and MORSE—were defeated.

Here too, the big issue was Vietnam, DUNCAN supporting the President, Morgan supporting MORSE.

Labor already misses Senator MORSE's able support. To his adversaries, the Oregon Senator has always been implacable and ferocious.

One thing is clear, Senator MORSE has won himself a whole new set of friends.

Mr. MORSE. Mr. President, I wish to say about the article that, as the headline would seem to indicate, the machinists have appointed themselves to analyze what they think my motives are. Of course, they know my motives are not what they attribute to me. This is what happens in a situation such as this.

This is really a disservice to the great record of the machinists for industrial statesmanship in labor disputes, for it is not like them to engage in this kind of character assassination.

They start out with the statement:

The question has been asked a thousand times these past few weeks: What happened to WAYNE MORSE?

Let me say to the machinists: Not one single thing has happened as far as varying from my 32 years of record in the field of labor relations, and my 21 years of record in the Senate. Whenever I have felt that any group in the country, be it labor or any group, was following a course of action that could not be reconciled with the paramount public interest I disagreed with them on the merits.

What has happened in this case is that I think the machinists are following a course of action which cannot be supported by the merits of the dispute, when we look at the paramount public interest. I intend, as I have in all of my public career, to place the public interest first and the labor lobby far down on the scale of importance.

WASHINGTON: THE DEADLOCK OF SUSPICION

Mr. CHURCH. Mr. President, the respected journalist, James Reston, writes in the July 31 edition of the New York Times that the apparent decision of the Government of North Vietnam to spare the captured American airmen has given new hope to those who advocate a de-escalation of the Vietnam conflict. Mr. Reston continues:

The opportunity exists on the larger question of a negotiated settlement of the war.

He makes perfectly clear both that it is a gross miscalculation for Hanoi to believe that the U.S. military presence can be removed from South Vietnam by force, and that it is error to think that the so-called "doves" in America can bring about such an American military withdrawal before negotiation.

I strongly endorse Mr. Reston's analysis, and ask unanimous consent that the article entitled "Washington: the Deadlock of Suspicion" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: THE DEADLOCK OF SUSPICION

(By James Reston)

WASHINGTON, July 30.—After almost every war, the historians think they can identify a point where both sides had more to gain by compromising than by fighting. It may be that this point has now been reached in Vietnam.

In the First World War, the Allied powers were so convinced that the Kaiser was the ultimate enemy that they insisted on fighting on to a military victory, and thereby helped bring into existence two much more dangerous and formidable forces—the Nazis on the one hand and the Communists on the other.

In the second World War, this same determination to achieve a military victory, pursued in the name of liberty, resulted in the loss of liberty for various countries in Eastern Europe and the Balkans—the very places whose freedom was the primary aim of both world wars.

This is one of the major lessons of war in the 20th century. No matter how hard the antagonists have tried to anticipate, the consequences of war, the fighting has inevitably produced unexpected results beyond their control.

WASHINGTON'S REACTION

Washington has learned this lesson better than Hanoi. In fairness to President Johnson, he has tried to start the compromising process, but has been rebuffed so consistently that the fighting is again dominating the scene. The air war on North Vietnam was more severe in the last week than in any other week of the conflict. The Prime Minister of South Vietnam, General Ky, has started talking about either an invasion of North Vietnam or a very long war, and while it is easy to repudiate him, there is a certain tragic logic in his point that so long as the enemy has a jungle sanctuary in North Vietnam, bombing will not bring the conflict to a military conclusion.

The tragedy of this is that Hanoi now has a better chance of achieving its major objective by negotiation than it has by fighting, and does not seem to realize it. The major objective of both the North Vietnamese and the Chinese Governments seems fairly clear. They want all American military power out of Vietnam. No doubt they would like to establish a Communist regime in Saigon, but primarily they want to get rid of an air and naval force which could destroy every city in North Vietnam and Communist China, and even if their main aim is to communize South Vietnam, they still have to achieve the evacuation of the American forces in order to do so.

Hanoi has chosen to try to achieve this objective by force of arms rather than by negotiations, and this must be the worst political miscalculation since the Bay of Pigs. The United States is obviously not going to lose the first test of arms in its history to North Vietnam, of all places. China and the Soviet Union might compel a military solution by raising the cost beyond what Washington is willing to pay, but they are no more eager for a vast military test of strength there than the United States.

In this situation, North Vietnam has no hope of driving the American expeditionary force out of the country, but it could undoubtedly negotiate us out. The President has been quite explicit about this.

"We seek neither territory nor bases, economic domination nor military alliance in Vietnam," he said in his State of the Union Message in January of 1966.

"We seek no bases or special position for the United States," Secretary of State Rusk told the Congress on August 3, 1965. And dozens of similar statements have been made on behalf of the Washington Government ever since.

Hanoi obviously does not believe this. The officials there see the United States building an air naval base at Kam Ranh Bay that is the most modern base in Asia. They feel they were twice deceived by negotiation—once at the end of the Second World War, when the United States helped restore French power in Vietnam, and again at Geneva in 1954, when they thought the United States would keep its power out of Vietnam.

THE UNITED NATIONS

The United States could be held to its no-bases promise, however, by international supervision of a compromise settlement, and this is another of the mysteries of Hanoi's diplomacy. The U.S. has offered to bring the United Nations and the International Control Commission into the negotiations, but Hanoi has rejected both, apparently counting on the peace sentiment in the United States to force the withdrawal of the American expeditionary forces before it will talk.

This is undoubtedly a major blunder. All the doves in America, backed by political pressure for peace, cannot bring about such an American military withdrawal before negotiation. Hanoi misinterprets both the objectives and the influence of those of us who want a negotiated settlement in Vietnam. If its main objective is the withdrawal of American power from the country, it can get it by negotiation, supervised by the U.N. or some other international body, but it cannot compel withdrawal by force of arms or pacifist sentiment in the United States.

On the contrary, the longer the war goes on and the greater the American sacrifice in lives, the stronger the pressure will be here in the United States to justify the war by retaining precisely that American strategic presence at Kam Ranh Bay the Communists are seeking to avoid.

THE DOMINION OF FEAR

This is the tragedy of the war. Both sides are caught up in the dominion of fear—Washington in the fear of a Communist conquest of the peninsula and Hanoi and Peking in the fear of permanent U.S. bases that could dominate both North Vietnam and China. The problem is to break this deadlock of suspicion.

In recent days, a hopeful thing has happened in Vietnam. The Hanoi Government has listened to the appeals of the world to spare the captured American fliers.

The opportunity exists on the larger question of a negotiated settlement of the war. If Hanoi's objective really is to get rid of American power in Vietnam, it can undoubtedly do so in an internationally supervised negotiation. It cannot do so by counting on the force of arms or the force of peace sentiment in the United States.

A NEW CAMPAIGN TECHNIQUE

Mr. MUNDT. Mr. President, the Friday, July 29, edition of the Chicago Tribune reveals what is to say the least, an astonishing new technique for political candidates, a recommendation suggested by the Secretary of Agriculture.

In substance, what the Secretary is telling Democratic congressional candidates is that the best way to handle a difficult issue is to ignore it. "Just pretend that it isn't there" seems to be what he is saying about controversial issues such as inflation, according to this report by Chicago Tribune reporter Aldo Beckman, who quotes Mr. Freeman as saying:

Slip, slide, and duck any question of higher consumer prices if you possibly can.

I have no reason to doubt the accuracy of the statements attributed to Mr. Freeman, for, according to the article, the reporter, Mr. Beckman, was present for this conference, which was intended to instruct candidates in the techniques of how to win elections.

Mr. Freeman also has a suggestion on how to handle the housewives of America, who are up in arms because of the tremendous increases in the cost of living which have occurred in recent months.

While Mr. Freeman is quite right in saying that farm prices are not the cause of inflation, he expresses a wariness that congressional candidates should report this fact, unless, of course, they are confronted with a situation where "slip, slide, and duck" will not work and a candidate must state his position. Then, believe it or not, the spokesman for American agriculture believes it is appropriate to take the farmers' side.

Mr. Freeman suggests taking the farmers' side only if pressed to do so, and then because he also believes it is the easier course to follow, for the politically expedient reason that "housewives are not nearly as well organized."

To compound the confusion of Mr. Freeman's campaign suggestions, the Secretary attempts to explain his action in urging the Defense Department to quit buying pork.

Mr. Freeman said the controversy was a "complete bunch of nonsense," because his action "did not affect farm income one bit." However, the Chicago Tribune reports that Mr. Freeman said he asked the Defense Department to resume their pork purchases as soon as the market price dropped several cents. If his action did not have any effect on market prices, why did he bother to make his suggestion to the Department of Defense in the first place? And why did he later withdraw it?

I have no idea what the candidates thought after hearing Mr. Freeman's outline of how to campaign, but if they are not confused, I am certain the American farmers and the American housewives are confused over this latest effort to refuse to pin the blame of inflation exactly where it belongs: Administration spending policies which have resulted in a national deficit accumulation of about $30 billion in the past 6 years.

Mr. President, I ask unanimous consent to have printed in the RECORD this most interesting report on how to run for office without talking about the issues, and also an editorial on the same subject which was published in the Chicago Tribune on July 31.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 29, 1966]

LBJ AID WARNS CANDIDATES OF FARMERS' IRE—DON'T TALK INFLATION, FREEMAN ADVISES

(By Aldo Bechman)

WASHINGTON, July 28.—Secretary of Agriculture Orville Freeman has told Democratic congressional candidates at a closed briefing that they must overcome deep resentment against the administration in farm areas and should stay away from discussion of inflation.

"There is a reaction far deeper and more bitter than I could ever have anticipated" among the nation's farmers over recent remarks by administration officials concerning farm prices, Freeman told the candidates. "Farmers know what a tremendous minority they are and they are very sensitive."

Several weeks ago, President Johnson indicated that high farm prices were partly to blame for the increased cost of living and two days later, Freeman announced he was "pleased to report" that certain farm prices were down.

DIRECTED TO CONFERENCE

Both remarks triggered almost instant criticism from farm belt congressmen and from farm leaders thruout the nation.

A Chicago Tribune reporter listened in on Freeman's discussions with congressional candidates, after a girl, who was a staff member of the Democratic national committee, directed him into the room for a scheduled "news briefing."

The reporter was wearing a badge which had been issued by press officials, but it was similar to those worn by the candidates and was never checked closely. The reporter later learned that the news briefing, which was to be held in an adjacent room of a Washington hotel, had been canceled.

ASKS FOR ADVICE

A candidate from Columbus, Ohio., told Freeman that a poll in his district showed that the major issue was inflation, and he sought advice on how to handle questions about the increased cost of living.

"I've been trying to figure out an answer to that question for six years," Freeman replied. "Slip, slide, and duck any question of higher consumer prices if you possibly can."

"Don't get caught in a debate over higher prices between housewives and farmers," he cautioned. "If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

GET 40 PERCENT

Freeman said that farmers get only 40 per cent of the dollar that housewives spend for food at the supermarkets and suggested that candidates could point out that housewives pay extra for the luxury of ready-made foods. "A TV dinner that costs 60 cents at the store could be fixed at home for 20 cents," Freeman said.

He urged the candidates to emphasize that net farm income is at its highest in history. "Farm income and farm outlooks are better under this administration than they have been under any other in years," he said. "But," he warned, "farmers never like to be told they're doing all right."

BUNCH OF NONSENSE

Freeman said grain surpluses that were such a problem several years ago have diminished so much that "we may be able to increase wheat acreage allotments" this fall.

He described as a "complete bunch of nonsense," the controversy over his letter to Secretary of Defense Robert McNamara, ask-

ing the defense department to stop buying pork several months ago, when the farmers were receiving 30 cents a pound for hogs at the market. "It didn't affect farm income one bit," he said. "It was the absolutely logical thing to do and was consistent with the farmers' interest."

He indicated he would take the same action if a similar situation arose again. "It is only good sense that the defense department should buy beef when there is less demand for it by the nation's consumers," he said.

THEY WON'T BUY IT

Freeman said he asked the defense department to resume their pork purchases as soon the the market price dropped several cents.

The former Minnesota governor told the candidates that the percentage of each pay check that now goes for food is lower than in 1960. "You could tell them [the housewives] that, but we know they wouldn't buy it," he said.

The three-day closed meeting will end tomorrow. During the sessions the candidates were permitted to question either cabinet members or representatives from each cabinet-level department.

[From the Chicago Tribune, July 31, 1966]

SECRETARY FREEMAN OVER A BARREL

(The newspaper is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no constitution has ever been able to provide.—The TRIBUNE CREDO.)

Secretary of Agriculture Orville Freeman has managed to drape himself over a barrel in a "confidential" briefing of Democratic congressional candidates on the subjects of inflation, food costs, and the political mood of the nation's farmers. A Tribune reporter who wandered into the supposedly closed session heard Mr. Freeman unload the following observations.

—"There is a reaction far deeper and more bitter than I could ever have anticipated" among farmers.

—To a candidate who asked how to handle questions about the increased cost of living: "I've been trying to figure out an answer to that question for six years. Slip, slide, and duck any questions on higher consumer prices if you possibly can."

—"Don't get caught in a debate over higher prices between housewives and farmers. If you do, and have to choose a side, take the farmers' side. It's the right side, and, besides, housewives aren't nearly as well organized."

—On the contention of the administration that the percentage of each pay check that now goes for food is lower than in 1960: "You could tell them [the housewives] that, but we know they wouldn't buy it."

The Minnesota Machiavelli therewith wrapped up as deceitful a body of political philosophy as has ever been produced by any exponent of the Great Society, which covers a lot of ground. This administration has distinguished itself by its predilliction for "managing the news," but Mr. Freeman is in a class by himself.

What he told the Democratic candidates for confidential consumption is something quite different from what the administration chooses to tell the people publicly. The administration has engaged in the window dressing of establishing a "consumer counselor" in the person of Mrs. Esther Peterson in the labor department. This is intended to evidence its huge concern for the consumer, who is usually depicted as a nitwit who can't read the label on a package.

Another of the administration's Potemkin villages calls for enactment of "truth-in-packaging" legislation. The consumer is supposed to be befuddled by the large range of packages on the store shelves, so that, as one proponent of the legislation contends, he is unable to buy knowledgeably and stay within the family budget.

But the fact is that it is Democratic fiscal policy that promotes inflation and drives up prices to new records with each succeeding month. As Mr. Freeman made clear, it is a subject from which the administration prefers to steer away, because there is no sensible political answer to it. So the party's candidates are advised to "slip, slide, and duck."

Secretary Freeman on a field trip around the middle west learned of widespread discontent among farmers. They resent President Johnson's statement that high farm prices were partly to blame for the increased cost of living, and they were not mollified when Freeman followed up with the statement that he was "pleased to report" that some farm prices were down.

Mr. Freeman has maneuvered himself into an unenviable position. He is no more popular with the farmers than the administration is with the consumers. The only out for both is to try to do a snow job on the people.

LET TELEVISION REACH ITS POTENTIAL

Mr. BARTLETT. Mr. President, once again the Ford Foundation has done our Nation a great service.

The foundation's suggestion that consideration be given to formation of a nonprofit nationwide satellite television system which would carry an extensive schedule of educational programs financed by transmission of commercial TV shows is a bold and exciting proposal to help upgrade the quality of American life.

Few persons will argue that television has lived up to its great potential or to its great responsibility. If the technological revolution is to have any meaning for our culture, that revolution must not only be concerned with making daily tasks easier to perform. It must not only be concerned with offering people ways to escape the realities of the day.

This revolution must also be shaped to serve the cultural, intellectual and informational needs of the people. Television offers unique opportunities to meet these needs. Freed from the tyranny of audience polls, freed from some of the harsh economic facts of producing programs, television can reach its potential as a great instructional and cultural medium.

For that reason I welcome the Ford Foundations' proposal.

For that reason I strongly urge the Federal Communications Commission to delay any decision on proposals for the construction and operation of communications satellite facilities by other than recognized common carriers until the proposal of the Ford Foundation has been carefully reviewed and other important studies relating to this question are completed.

Regardless of how the FCC rules on this matter, I will consider introducing legislation designed to make certain that national legislation does not stand in the way of educational television reaching its potential when new communications satellites are launched to serve this Nation.

In addition, I hope that when communications satellites are launched service to Alaska will be included in the plan.

Mr. President, I ask unanimous consent that the letter of McGeorge Bundy, president of the Ford Foundation, to Rosel H. Hyde, Chairman of the FCC, concerning the foundation's proposals, be printed in the RECORD as it appeared in this morning's edition of the New York Times.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 1, 1966.

DEAR MR. CHAIRMAN: I have the honor to submit herewith a statement from the Ford Foundation which responds to the invitation of the Federal Communications Commission for "the views and comments of interested parties" on "proposals for the construction and operation of communications satellite facilities" by others than recognized common carriers. I am also addressing this same letter to each of the other Commissioners.

In this covering letter I want to summarize our conclusions—and also to explain informally the deep concern which moved us to make the studies which have led to this submission.

First, I note that the Ford Foundation has no commercial interest and no operating interest in this matter. We exist for the purpose of giving money away—as wisely and constructively as we can. This is the source of our deep interest in the present question.

We have a wider and longer experience of the effort to establish effective noncommercial television than any other single institution in the country. We have been by far the largest single source of funds for this effort. We have fifteen years of experience. We have made grants, directly and indirectly, of more than a hundred million dollars a year; currently we are making additional grants at the rate of more than ten million dollars a year.

From this experience we have learned three lessons:

(1) The first and most important lesson is that noncommercial television has unlimited potential, for human welfare and for the quality of American life. The best achievements of the best existing stations are proof enough—but there is still more powerful evidence in the best achievements of the best services abroad. And the most powerful evidence of all is in the all-but-unanimous conviction of the ablest men in American television today: that nothing is more needed—for television itself as well as for the country—than a first-rate national noncommercial service.

PRESENT SERVICES INADEQUATE

(2) The second lesson is that existing services, and existing means of support, cannot hope to develop more than a fraction of this potential. The existing systems are much better than nothing. Compared to what this country deserves, they are a depressing failure. This is not the fault of the talented and dedicated men who have worked their hearts out for noncommercial television. It is the fault of all of us—in that we have not yet found a way to give this work the resources it needs. It can well be argued that we at the Ford Foundation have contributed to this failure. When we give $6-million a year to the National Educational Television and Radio Center (NET), we seem to have done a lot. And for us it is a lot—it is our largest continuing

annual grant. But the brutal fact is that our big gift is much too small.

(3) The third lesson follows from the first two: it is that the nation must find a way to a wholly new level of action in this field—one which will release for our whole people all the enlightenment and engagement, all the immediacy and freedom of experience which are inherent in this extraordinary medium and which commercial services—as they freely admit—cannot bring out alone.

These three general conclusions are broadly shared, I believe, among all who have studied this problem—by leaders in the Congress, by the members and staff of your Commission, and by independent experts. They underlie the establishment last year of a distinguished commission of private citizens to study the future of non-commercial television, under a charge from the Carnegie Corporation and with encouragement from President Johnson. Under the chairmanship of Dr. James Killian that commission is working hard to produce a prompt and constructive report. It will be good if we can avoid major decisions affecting the future of educational television until we have the benefit of the Carnegie report. A decision limiting the ownership and operation of communications satellites would be such a decision—and on this ground alone the commission would do well to avoid any ruling of this sort at this time.

PRESSURE FOR DECSIONS

But there are legitimate and important interests which are pressing for early decisions. The Ford Foundation can well understand the forces that could lead some to argue that great commercial questions should not be delayed for months while everyone waits for "one more report" on the future of educational television. Because Carnegie Commission is still at work, it is not in a position today to contest this point in detail. Yet it has seemed to us a matter of high importance that the public interest in the future of noncommercial television be fully and properly represented in the pleadings before your Commission. This is what our submission aims to do. Our right to present this view is the right of any element in our society to be heard. Our duty to do it grows from experience, expenditure, and the terms of our foundation's charter.

This right and this duty are made doubly urgent because of the promise that satellite communications may permit a revolution both in the technology and in the economics of television. Intensive exploratory studies have convinced us at the Ford Foundation that these revolutionary possibilities offer the promise of building a cost-free highway system for multiplied regional and national noncommercial service—and also of providing a large part of the new funds which are desperately needed for noncommercial programming at every level.

The model we present is one way, not the only way. We are sure it can be improved by public study and comment. The state of the art is changing so fast—and we have had so much to learn since March 2—that we are sure our present design can be improved by criticism. For this reason alone we would welcome hearings on this whole subject. And on wider grounds we are sure that any major restrictive action taken without hearings would be offensive to the public sense of fairness.

LOOKING FOR AN ANSWER

While the financial needs of educational television are widely recognized, the sources of the needed funds have been elusive. With the shining exception of the Educational Television Facilities Act of 1962, the Federal Government as a whole has stood to one side (and the Act of 1962, with all its generosity and foresight, carries a total appropriation which is lower than the funds spent by the Ford Foundation alone in the years since the Act was passed).

Moreover, Americans are understandably cautious about direct Federal financing of channels of communication to the public. A number of additional remedies have been suggested, and we must hope for more light on this from the Carnegie Commission, but the hard fact is that up to now no remotely adequate solution has been found. We all want educational television to be properly funded. We do not want the Government to "pay the piper and call the tune." We are looking for an answer.

And that is what makes the possibilities of satellites so extraordinarily important. Noncommercial television has two great needs: first, to become a true national network, at a cost it can afford—and second, to have money for programming at a wholly new level of excellence. Properly used, a television satellite can meet both needs. By its natural economic advantage over long landlines, it can effectively eliminate long-distance charges as a determining element in network choices—commercial and noncommercial alike.

And if in the case of commercial networks a major share of these savings is passed on to the noncommercial programers, then both problems are on the road to solution, and everyone is better off than he was before. This is not magic, or sleight-of-hand. It is a people's dividend, earned by the American nation from its enormous investment in space.

We are far from contending that a portion of the savings of the commercial users will pay for every possible program tomorrow. In our formal submission we estimate that such a system might produce $30-million a year for ETV programming almost at once, and perhaps twice that much within ten years. This is more than enough to start the revolution we seek—and there would be still more in the future.

THE DESERT COULD BLOOM

And all this, our analysis suggests, should be accompanied also by a wholly new level of investment—public and private—in the programs of live instruction that the satellite system invites. The satellite, used in the right way, can make the desert bloom for whole new areas of television. We do not claim that our way of doing it is the best. We do believe the best way must be found.

One cause of questioning may be the initial human effort of establishing a service of the sort that we suggest. Where can we find the first-rate men for a new nonprofit venture? We have considered this question, and we have asked a number of the best professionals for their opinion. Their verdict is unanimous. We are talking here about a vision of excellence for the life of all Americans. Good men will want to work for it. We are convinced the signal of approval for a system like this one would release a rush of talent for the leaders of the new enterprise.

There is also a question of money. Once it is started, the enterprise will surely pay for itself and for much good money to get it off the ground? That is a fair question, but we are convinced that there are good answers—in the resources of the commercial networks, in the lending power of those who know a sure success when they see it and in the resources of those who hold the view that money which helps to turn this corner will be money well used for the quality of American life. Our own commitment to this general purpose is clear.

We fully recognize the legitimate and reasonable needs of others who are concerned with satellite communications. We are convinced that our proposal does no significant harm to the legitimate and recognized interests of Comsat or the common carriers. With or without added responsibility for domestic television, Comsat will remain an unusually privileged commercial enterprise—a prime and protected investment with exclusive chartered rights in international satellite service.

Comsat faces international horizons which can engage its full energies for decades to come. The prosperity of all does not require for any a monopoly of the space communications available to the American people. And for the common carriers the revenue presently at issue is less than 1 percent of a business which grows by more than that in every season of every year.

For all these reasons, we believe the door to a new and separate broadcast satellite service must not be closed. We do not now present a formal application. We think it right to wait for the report of the Carnegie Commission, and we also believe that the Ford Foundation should not undertake alone the framing of a formal application in a matter which relates to the interests and concerns of all Americans.

MODEL OF A SOLUTION

What we have done initially is to develop one possible model of a solution. We have tested it for technical feasibility with the professional counsel of Dr. Eugene Fubini of the International Business Machines Corporation. We have tested it against the laws with the help of Mr. David Ginsburg of Washington. We have tested its economic validity with the advice of Dr. Paul MacAvoy of the Massachusetts Institute of Technology. We have tested it against the realities of television programming with the help of Mr. Fred Friendly, our adviser on television. We have tested it against our own experience in the philanthropic support of noncommercial television.

We think this model is sound against all these tests. But our purpose in presenting it is not to ask the Commission to grant a license now, to us or to anyone else. Our immediate purpose is rather to urge the Commission to take no action now that would foreclose these possibilities.

We think the Commission should invite a more formal proposal from the widest possible public. We think such a proposal would be forthcoming. We think it would be compelling. We would be glad to join with others to present it. All that we feel it right to do today is to enter the strongest possible argument against any action that would close the door to this new hope for all Americans.

In summary, our underlying purpose is not to press for a particular solution, and still less to interfere in any way with the legitimate interests of others. Our purpose is to stress four fundamental propositions:

(1) the critical importance to American life of properly designed domestic communications satellite systems;

(2) the very great—and largely unstudied—potential of such systems for noncommercial television and for education in its widest sense;

(3) the possibility that the management of this new national resource and the rates charged for its use can be arranged in such a way as to provide adequate resources for a wholly new level of service to the American people; and

(4) the desirability of most careful deliberation before national decisions are reached with regard to the assignment of responsibility in this area.

This is a time for due process, and for greatness.

Sincerely,

McGEORGE BUNDY.

PERMANENT SOLUTION FOR NATIONWIDE STRIKE

MR. ROBERTSON. Mr. President, I ask unanimous consent to have printed

in the RECORD a statement I issued to the news media today regarding the need for a permanent solution to the problem of nationwide strikes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELEASE FROM THE OFFICE OF SENATOR A. WILLIS ROBERTSON, DEMOCRAT OF VIRGINIA

Senator A. WILLIS ROBERTSON, Democrat, of Virginia, called on Congress today to deal permanently with the problems of strikes which affect the nation as a whole by making labor unions subject to the anti-trust laws.

"We should either outlaw industry-wide strikes, or make labor unions subject to the anti-trust laws when they interfere with the interstate movement of goods or services essential to the maintenance of the national economy, health or safety," said Senator ROBERTSON.

"I realize that, in the current airline emergency, there is not time to work out a permanent solution to nationwide strikes, but after dealing with the imminent problem, Congress should turn its attention to providing a more satisfactory remedy for similar situations that are bound to arise in the future.

"I am opposed to compulsory arbitration because of the danger that the agency or official designated to name the arbiters could pick individuals favorable to one side or the other.

"The best solution, in my opinion, is the one I proposed in 1950, to empower the government to go into Federal court for a determination of whether a nationwide strike constitutes an unreasonable restraint of trade, as contemplated by the Sherman anti-trust law.

"The record is clear that when Congress passed the Sherman Act in 1890 it intended it to apply to restraint of trade by any group, whether of business or labor, and for many years the act was so construed. But, in 1941, five members of the Supreme Court, in the Hutcheson Case, held otherwise.

"The control of production and the fixing of prices by union action, in commodities or services essential to the public welfare of the United States, seem to me just as objectionable from the standpoint of the ultimate effect on our economy as similar action by employer groups.

"The bill (I said in 1950) which I have offered would in plain language remove the immunizing effect of the Clayton and Norris-LaGuardia Acts from conduct which up until 1941 had been almost universally branded as illegal and against the public interest, and which had always been regarded as outlawed by the Sherman Act.

"It would leave the government free to go into court and it would leave the court free to put a stop to labor union practices which are so detrimental to the national welfare that some remedy, beyond the temporary stop-gap remedy of the Taft-Hartley Act, is essential to protect the people of this country. The Sherman Act would then again serve, as it originally served, as a brake on unions which seek to put their own activities ahead of the national welfare."

PROPOSED AMALGAMATION OF CERTAIN USIA OFFICERS INTO THE FOREIGN SERVICE—H.R. 6277

Mr. PELL. Mr. President, a number of news reports lately have mentioned my part in the Senate's consideration of the Hays bill, H.R. 6277, and the proposed amalgamation of 697 USIA officers into the Foreign Service. Some of these reports were misleading and inaccurate. I would like to correct them for the RECORD.

First, I have never been fully convinced that the three foreign affairs agencies—the Department of State, the Agency for International Development, and the U.S. Information Agency—must have a single personnel system. Furthermore, I share the worry of interested labor unions and veterans organizations over the possible erosion of the civil service and the principle of veterans preference which would result from this bill. I have kept these views very much in mind. Finally, I did not believe that the blanket amalgamation of 697 USIA officers was a good idea. I believed that it would both change the character of the corps of Foreign Service officers and weaken USIA's chance of having a professional career for information officers.

As a member of the special Subcommittee of the Foreign Relations Committee, chaired by the distinguished Senator from Tennessee [Mr. GORE], I have attempted to change and improve certain aspects of the bill and the proposed amalgamation of USIA officers, with which I disagreed. To do so, I recommended that:

First. Some individuals now in the civil service, who would remain on domestic duty permanently, should be left in the civil service and not drawn into the Foreign Service. The administration opposed this suggestion.

Second. All individuals in the Foreign Service presently having veterans' preference should continue to have it. The Hays bill would have deprived Foreign Service staff people of this right. My amendment, for which I secured the administration's agreement, would have preserved veterans' preference rights for those of the Foreign Service staff corps who are veterans.

Third. We should avoid dilution of the Foreign Service, but assure USIA of a career service, and thus prevent a serious morale problem among the Agency's finest officers whose names have been recommended for Presidential commissions for 2 years in a row. My amendments would have restored this vital Agency's presently threatened esprit de corps by establishing a fully rounded career service by which topflight officers might be recruited, trained, and maintained in a sound personnel system of its own.

It would seem to me that the present attitude in the subcommittee toward the Hays bill, the proposed USIA amalgamation, and my amendments is as follows:

First, the concept of a unified foreign service personnel system has not won favor;

Second, the amalgamation of USIA's 697 officers into the Foreign Service has likewise failed to find support; and

Third, the need for a USIA career service is generally recognized.

All told, the Hays bill, in the form in which it was referred to the Senate, was not approved by me and appears now to have little chance of approval by Senator GORE's subcommittee. Those portions concerned with veterans' preference and changes in the civil service personnel structure of the three foreign affairs agencies are particularly moribund. Therefore, in view of the subcommittee's apparent interest in regularizing USIA's personnel system, I propose shortly to offer separate legislation to establish a permanent career service for USIA.

HONOLULU IRONWORKS RECIPIENT OF PRESIDENTIAL "E" AWARD

Mr. INOUYE. Mr. President, another indication of Hawaii's persistent efforts to increase our volume of foreign trade in the Pacific will come next week when the Honolulu Iron Works receives the Presidential "E" Award from the U.S. Department of Commerce for its "progressive export qualities."

Honolulu has recently established a foreign trade zone which will enable importers to display and store their products on a duty-free basis until they are purchased for import into this country.

In an editorial published July 30, 1966, the Honolulu Advertiser commented on the overseas operations of Honolulu Iron Works and Theo. H. Davies & Co., Ltd., another Honolulu firm.

We in Hawaii are extremely proud of the contributions being made by these and other firms in Hawaii in the field of international commerce.

If there is no objection, I respectfully request that the editorial be printed in full in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE ON ISLAND EXPORTS

On August 9, the Honolulu Iron Works—through its president, George W. Murphy—will receive the Presidential "E" Award for its "progressive export qualities."

This underlines the point we made in a recent editorial that Hawaii's exports of products and know-how can be of increasing value to us and to the nations of the Pacific and elsewhere.

Honolulu Iron, which produces heavy equipment for sugar, transportation, food processing and other key industries, has engineering and manufacturing facilities not only in Hawaii and Louisiana but in the Philippines—and its products are manufactured through associates in Mexico and Peru as well.

It places considerable emphasis on research and development and currently is offering equipment embodying new processes to both the sugar and pineapple trade.

The company maintains sales offices at each of the overseas sites above as well as in Hong Kong and Okinawa. In all, Honolulu Iron products are at work in 42 countries, accounting for the fact that last year, as an example, 28 per cent or about $10 million of the company's sales were in the export market.

Another firm which, like Honolulu Iron, is long active in the Philippines is Theo H. Davies & Co., Ltd., which has been there since 1928 and now does about $20 million in sales.

Davies Far East is involved in sugar manufacturing, in the concrete block and cement business and in the making of Zenith TV sets for Philippines sales.

What is less known is the company's operation in Spain—Theo. H. Davies, Iberica, S.A., a subsidiary headquartered in Madrid.

Less than three years old, Davies Iberica has shown rapid growth. With its subsidiaries, it manufactures Fedders air conditioners; auxiliary and special equipment for the construction industry and public works companies; concrete blocks and hollow tile.

It also has a substantial investment in a Mediterranean resort development on the Costa del Sol, described as the "new favorite playground of Europe." Plans are for residences, apartment buildings, a first-class hotel, a shopping center and recreation facilities. To keep the 3½-mile beach clean, Davies reports that "special machines (have been) brought from Hawaii."

Thus do Island links spread ever wider, providing profitable outlets for talent and for merchandise.

A SENSE OF LOSS

Mr. CHURCH. Mr. President, the memory of Adlai Stevenson's death on July 14, a few days more than a year ago, still remains clear and painful. Obviously, I am not alone in this feeling. Recently two pieces have appeared, written by his friends, which bring back to us much of the aura of the man. Last week Marquis Childs wrote in the Washington Post on "Adlai Stevenson: A Sense of Loss. He commented that "millions in this country and around the world felt his passing as a personal loss."

Why should his loss be mourned when his influence on our foreign policy was so limited? Marquis Childs went on to say:

The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missed today.

In the July 9 issue of the Saturday Review, Elmo Roper wrote an editorial entitled "Adlai Stevenson: A New Vision," in which he said:

There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory.

Roper continued that Stevenson "captured the conscience and imagination of a particular political generation—the liberals of the fifties."

He concluded with a call for greatness:

We need what Adlai Stevenson had.

Mr. President, I concur wholeheartedly with the sentiments expressed in these two pieces, and I ask unanimous consent that they be printed in full at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ADLAI STEVENSON: A SENSE OF LOSS

(By Marquis Childs)

A year has passed since Adlai Stevenson died while walking in Grosvenor Square in London. He had been through trial and tribulation in his post as Ambassador to the United Nations. His influence on the foreign policy of the Johnson Administration was negligible. Yet millions in this country and around the world felt his passing as a personal loss. And, if one may venture a guess, that sense of loss is still strong not only among his friends but among the unnumbered multitude that looked to him for something more than the exercise of power.

The reason is not hard to find. His generosity of spirit, his magnanimity, his lack of malice, his humor, the free flow of ideas—all this came through in almost everything he wrote and spoke. Above all, a generosity of spirit is missing today and, while this made him vulnerable to petty snipers practicing a dubious power politics, it was the essential element of his greatness.

Much was written after his death about his dismay and disillusion at the course of American policy and the chores he was called on to perform at the U.N. He was in on the crash landings, as in the Bay of Pigs fiasco, but seldom on the take-offs.

This reporter was in South America at the time of his death and the memory of that call from the Embassy giving the news is still sharp. I had spent several days with him in New York at the height of the Dominican crisis in May and he was deeply troubled by the assigned task of justifying the massive American intervention. As a thinking man he knew well that far more was involved than either a Communist threat or the safety of Americans on the island.

But he was loyal to those from whom he took his orders and if at that time of great strain he contemplated resigning his post he never spoke of it. Nor did his humor fail him. The recollection of a small relaxed dinner party as which he told story after story, some new and some old, as the table rocked with laughter is unforgettable.

Increasingly evident in the year since his death is the fact that he was trapped. He was caught between the aspirations of a world organization seeking a common way to peace and the demands of an Administration in Washington resorting to nationalist solutions for situations in which force appeared the only recourse.

This is the dilemma in which Stevenson's successor, Arthur Goldberg, finds himself. By the Lyndon Johnson persuasiveness—a brand seldom equalled in public life—Goldberg was moved to leave the Supreme Court and take a post held out as one in which the potential for achieving peace could mean salvation for the world and a crown of glory for the architect. Ambassador Goldberg finds himself limited to gestures far short of the heroic future unfolded before him in the President's study.

The U.N. is, in fact, in danger, under the one-nation, one-vote rule, of falling under the control of the countries of color. With African nations joined to the Asian bloc they could outvote the West. If and when Red China is admitted such a powerful bloc becomes an even greater threat. A rebellion in this country against paying more than one third the cost of the U.N. is not hard under those circumstances to foresee.

Stevenson understood this danger. He had from time to time talked about resigning and following a quieter life, including the writing he wanted to do. But public office and its perquisites had become a habit. His friends were concerned that in the dizzy round of the U.N. it was an unfortunate habit—a drug of sorts easing the pain of so much disillusion and disappointment.

He was unlucky in his public career. Twice he ran for President against a great military hero and twice he was disastrously defeated. Nothing he might have done in those two campaigns, and particularly in the second one in 1956, was in any way likely to alter the outcome, and with his intuitive knowledge of political trends he surely knew it.

The abiding ambition he carried with him to the grave was to be Secretary of State. His own mistake in judgment when at the 1960 Democratic convention he declined to deal himself out of the Presidential game is widely considered to have denied him that ambition.

Given the imprint he left on his time, the mark of that generous, questing spirit, Stevenson is likely to live longer in history than many of the power-grabbers and power-seekers. His heritage is written in the character of a citizen-patriot who denied the savagery and brutality of his own time of troubles.

[From Saturday Review, July 9, 1966]

ADLAI STEVENSON: A NEW VISION

On July 14 it will be a year since Adlai Stevenson died. During this time his career and character have been praised and analyzed and defined. It is clear that many things Stevenson was and did will be written into history. Yet, although much has been included in the appreciative portrait that has emerged since his death, I think perhaps the most important thing has been the least commented on.

His achievements in office, of course, have been recounted. There is an awareness of the grace with which he played his last and perhaps most difficult role of Ambassador to the United Nations. Frustrated at his distance from the center of power, he yet lent all the fine resources of his intellect to representing that power. We will continue to hear, in the phrases of the President of the U.N. General Assembly, "the echo of his eloquent and tempered words, the expression of a noble spirit and a high culture placed at the service of his country, but placed also at the service of the ideals of peace and justice."

There is less awareness of his perhaps even more remarkable achievements as Governor of Illinois. For a man who has been called impractical, it is worth remembering that his term of office was as constructive as that of any of the governors of that state in this century. While he was governor—to name just a few of his accomplishments—a neglected civil service was revitalized, useless political appointees were eliminated, unemployment and workmen's compensation benefits were increased, and Illinois was started on the path upward from one of the lowest levels of state aid for public schools to a heartening increase. He himself once told me that the period of his life of which he was proudest—and which he most enjoyed—was his four years as Governor of Illinois.

There is no question that for most people in this country, Stevenson will be remembered as a Presidential candidate who was greater in defeat than many have been in victory. All the memorable facets of Stevenson's character were revealed in that first, unforgettable campaign when he chose to put the pursuit of truth above the pursuit of power, and decided to "talk sense to the American people."

In his role as losing Presidential candidate, Adlai Stevenson captured the conscience and imagination of a particular political generation—the liberals of the Fifties, whom the times were against but who, in fact, represented the mainstream of the future. The complexity of his vision and the eloquence of his speech burst upon liberal intellectuals with a shock of recognition: "He's one of us!" More than John Kennedy, who appealed as much for his youth and energy as for the qualities of his mind, it was Stevenson with whom, as with no other political leader in recent history, they could identify.

And Stevenson will, of course, be remembered for his wit. It delighted all those who had not succumbed to the soggy proposition that to be serious one has to be dull. Un-

fortunately, in the 1950s too many *had* succumbed, and their appetite for portentous platitude was amply satisfied by Stevenson's opponent. It is an odd notion that wit is frivolous, and a dangerous notion if this attitude takes hold among a people. For a people without humor is a people without vision. Adlai Stevenson's humor arose from his ability to stand off and reflect on the political condition, from his awareness of the possibilities of pathos and failure that always lie in wait for noble deeds. He met the supreme test of humor—he could laugh at himself!

Adlai Stevenson will be remembered for all these things and more. But the time has come to put them into perspective, for an evaluation of his lasting imprint on American society. And I think that may be something rather different from the uniquely personal qualities for which he was so greatly admired.

What Adlai Stevenson gave us, at a turning point in our history, was a new vision of and respect for the intellectual life. To a nation too long dependent on improvisation and narrow practicality, too long scornful of the intellect and its fruits, he became a model of a truly educated man. Nearly a decade before Robert Frost was invited to the White House, Adlai Stevenson stood before the nation as an embodiment of humane and civilized intelligence. Though he was derided by some as an "egghead" in his time, since Stevenson it is no longer possible to think of intellectuals as wildeyed and bushy-haired. He made the intellect respectable, and from these beginnings, who knows? The climate for intellectuals may one day become as favorable as it was in the days of Thomas Jefferson.

In recent years Americans have become very nervous about learning. The Russian space achievements have shaken us up, and we've gone about solving the problem in a typical American way. We're building more schools, and the kids are competing harder than ever to get into and out of college. I have even heard that football heroes no longer have their pick of the more desirable females on campus. The intellect is becoming a new status symbol, a new way to win. But if we are to solve the tormenting problems that beset us, if we are to reckon with revolutionary changes in our society and our world, we need more than bright young men. We need what Adlai Stevenson had.

For more than anything, he showed us the proper uses of the mind. He demonstrated that the human intellect can be more than merely learned, more than brilliant, or useful, or shrewd. He showed us a mind at its highest functioning, at home with the culture of the past, involved in a continual quest for enlightenment about the present, and imaginative about philosophies for the future. He gave all of America something to strive for.

INVITATION TO VISIT ST. CLAIR COUNTY, ALA.

Mr. SPARKMAN. Mr. President, as an advocate of seeing America first, so that every American may be enriched by seeing something of the greatness of his country and viewing the monuments of its history, I again invite my colleagues and every American to Alabama, a State which extends from the Gulf of Mexico across the valley of the Tennessee for 300 miles of beauty and excitement.

Today I should like to invite you specifically to come to Alabama and visit in St. Clair County, one of Alabama's mountain counties and an area of great beauty, comparable to the Ozarks of Missouri and Arkansas and the North Carolina mountains. St. Clair County has an added tourist-recreational attraction in the Coosa River lakes which form the eastern boundary of the county. Modern marinas and fishing camps and fine motels make this region particularly attractive to those who enjoy good fishing, boating and water sports.

A most unusual attraction in St. Clair County is Horse Pens Forty, a 40-acre tract atop Chandler Mountain which is characterized by great rocks standing high above the plateau. The mountaintop has been the scene of annual arts and crafts festivals, but it is worth visiting just to wander along the trails between the massive rocks and observe the animallike rock formations—elephants, dinosaurs, turtles, and other sculptures hewn out by the eroding hand of nature.

In former days there were few motels and restaurants in St. Clair County to entertain and shelter the tourist, but this has changed. There is a delightful small restaurant at Odenville, for example, and several motels and restaurants in the Pell City area. The traveler in St. Clair County will be among some of the most hospitable people in the world.

All of this charm is only a few miles from Birmingham, the steel center of the South, or from Gadsden and Anniston, major cities to the east of St. Clair. It is less than a 2-hour drive from Huntsville, the rocket city. Interstate 20 and Interstate 59 cross the county, as do several Federal highways and good State highways. It is easily accessible from Atlanta, Chattanooga, or the Nashville area, and it is worth visiting.

I invite you to come to Alabama, to see our State and to see us as we are. I hope that you will include St. Clair County in your itinerary.

POPULATION PROBLEMS ARE INCREASINGLY BEING DISCUSSED

Mr. GRUENING. Mr. President, the population dilemma is increasingly appreciated and understood. All over the country action in the field of planned parenthood by private groups, by State and local agency action, both in the executive and legislative branches, is taking place.

One interesting evidence among many bits of it is a full page—indeed, the first page of its second section—of the Christian Science Monitor of August 1, 1966, which carries two articles: one entitled "New Look at Population Control"; and the other, "Congressional Dialog on the 'People Crisis.'" There is also a useful map of the 48 States under the title: "Family Planning," which shows a different shading for various States, depending upon their activity. Six of the States pictured in black have no publicly supported programs. States in grey—the great majority—have some form of publicly supported programs; and a few States, indicated by no shading at all, have publicly supported programs in all counties and muncipalities. Their number can be expected to grow as well as the number of those six who have no publicly suported programs may be expected to diminish. Those States with no publicly supported programs are: Massachusetts, Vermont, New Hampshire, Iowa, South Dakota, and Wyoming. Those with publicly supported programs in all counties and municipalities, interestingly enough, are all below the Mason-Dixon line. They are Kentucky, Virginia, and Alabama.

I ask unanimous consent that these two articles be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 1, 1966]

NEW LOOK AT POPULATION CONTROL

(NOTE.—The problem of too many people is no longer one for just the underdeveloped nations of the world. It has become one in the United States, as well—especially in city slums. So Washington is taking action in a field that has been taboo: birth control—or, as federal officials prefer to call it, family planning. On this page, staff correspondent Lyn Shepard traces the causes of this changing federal attitude.)

WASHINGTON.—The federal government is offering family-planning services through its agencies to those who want it most—poor families both at home and abroad.

This new federal posture amounts to a dramatic turnabout in policy in the past few years. Where until recently Washington viewed family planning as "not our business," it now looms as a priority goal.

Programs funded through the Office of Economic Opportunity (OEO), the Department of the Interior, the Department of Defense, the Alliance for Progress, and the Agency for International Development (AID) seek similar goals, though their methods differ at times.

FOUR KEY FACTORS

Four factors have pressed the government into a more active role on behalf of family planning:

The world "population crisis" has reached the disaster point in many under-developed nations like India. The Food and Agriculture Organization of the United Nations (FAO) found in 1964 that nearly 1.5 billion persons—half the world's population—were undernourished.

Partly in response, the Roman Catholic Church showed signs of relaxing its long-standing policy on birth control. Public opinion polls found Roman Catholic families in this country widely divided on the morality of "planned parenthood." But a majority favored some form of tax-supported family-planning program.

President Johnson strongly supported federal action in several speeches early in 1965. "I do not believe," he said then, "that our island of abundance will be finally secure in a sea of despair and unrest or in a world where even the oppressed may one day have access to the engines of modern destruction. . . ."

The Senate held hearings in 1965 under the chairmanship of Senator ERNEST GRUENING (D) of Alaska. Senator GRUENING and other lawmakers in both houses of Congress sponsored bills to formalize the federal commitment. The bills are still pending. But the hearings gained wide publicity and impressed the executive branch with broad public backing.

HEARINGS APPLAUDED

Some Capitol Hill observers think the Gruening hearings fulfilled a much-needed educational function. One House aide summed up that view in these words:

"The hearings . . . let the executive branch know that the mood of the country had changed. After all, if we get executive action, we don't need legislation. It was a classical political science example of hearings having an effect on public policy."

The Senator thinks highly of the approach developed by Secretary of Health, Education, and Welfare John W. Gardner and his Assistant Secretary for Health and Scientific Affairs, Philip R. Lee.

"But if Gardner and Lee leave HEW," the Gruening staff worker asserted, "everything will go back to the 12th century."

The need for a more unified command is all too obvious to some Capitol Hill critics. A recent policy conflict involving the Office of Economic Opportunity and the Department of Health, Education, and Welfare underscored this point.

The OEO released a memorandum May 13 detailing "special conditions" for use of its grant funds in family planning. The conditions barred unmarried women or married women not living with their husbands from using contraceptive devices or drugs supplied through OEO funds.

DEBATE HARD TO RESOLVE

HEW's guidelines place no such conditions on family planning grant funds. Its officials mused privately that the OEO had worked itself into an awkward corner—probably for political reasons.

The merits of the two policies can be debated. But outsiders thought Senator GRUENING had scored a point. No arbiter could hammer out a consistent federal policy because Congress had failed to appoint one for the task.

Actually the OEO gets around its own policy via the back door. It reminds local agencies that they can circumvent the federal proviso with their own funds. Nothing prevents unwed women from using family planning equipment paid for from local taxes.

Why did the OEO release its caveat in the first place? Sources close to the OEO put little stock in one suggestion—that R. Sargent Shriver, Director of OEO, acted without choice due to his Roman Catholic faith.

The same observers see Mr. Shriver as deferring instead to powerful political backlash which might have arisen had the OEO adopted the straightforward approach of HEW.

The backlash threat may relate directly to "old school" views now entrenched in many big cities. In such areas, even HEW family-planning programs find rugged opposition.

The New England states, for instance, still resist family planning. Except for five of Maine's 11 counties, the region frowns on using taxpayers' money for birth-control programs. Some states now resort to "under-the-table" payments. Rhode Island, as an example, allows welfare recipients to visit Planned Parenthood clinics at public expense.

Some states, like North Carolina, on the other hand, appear far ahead of the nation in family planning. In fact, results of county-by-county surveys by both HEW and Planned Parenthood show the South uniquely advanced in this respect. However, many Southern birth-control clinics operate with meager funds.

A number of Western states now provide family planning programs for poverty-stricken Indian tribes with the aid of the Department of the Interior. Secretary of the Interior Stewart L. Udall also oversees this service for Alaskan Eskimos.

The number of states now earmarking public funds for family planning now stands at 44.

"That's a sign of real progress," a Health, Education, and Welfare official declared. "Just a few years ago there were hardly any."

GAINS COUNTED UP

"We've stopped counting states," a Planned Parenthood executive in New York City added. "Now we're down to the counties."

HEW's nationwide survey of May 11—as yet unpublished—shows 1,000 of a total of 3,071 counties or municipalities now using tax monies for some form of family planning program.

At the same time, AID's involvement in overseas programs gained momentum. In an April 11 statement, AID's former director, David E. Bell, reported:

The Republic of China supported its family-planning program with AID-generated local currencies.

Turkey has asked for a loan to assist a similar program.

Honduras sought help for educational programs in family planning relating to maternal and child health.

Pakistan requested wide-ranging technical aid for, among other things, launching its national birth-control effort.

India was discussing its plan with AID officials.

The agency estimated its family planning obligations cost $2 million for fiscal year 1965, jumped to $5.5 million for fiscal 1966, and would increase to about $10 million in fiscal 1967.

A researcher on Senator GRUENING's staff noted the executive branch awakening—in foreign assistance and in programs close to home—and found a lesson in it.

"We've reached the point," she said, "where public policy and private morality have to work hand in hand."

Washington officials—with a population crisis goading them into action—share a growing sensitivity to this need.

CONGRESSIONAL DIALOG ON THE "PEOPLE CRISIS"

(NOTE.—Two men who have contributed a major impetus to the Capitol Hill "dialogue" on the population crisis are Reps. PAUL H. TODD JR., of Michigan and SPARK M. MATSUNAGA of Hawaii. Following are their views and those of others in Congress on "What can be done?")

WASHINGTON.—"It was war time—1944 at our base in Calcutta," the congressman recalled. "I was a private assigned to the garbage detail.

"I used to watch the Indian women scrambling for food, digging through the garbage cans outside the Army mess hall.

"It was quite a shock coming out of our culture—and I never could forget it. So when I won this seat, I thought maybe I could help."

Rep. PAUL H. TODD, JR. (D) of Michigan saw a face of poverty unknown to most Americans. As a freshman lawmaker in 1965 he enlisted promptly in the "war on hunger."

Mr. TODD sponsored a family-planning bill this session in line with pending Senate legislation. It offered birth-control information and devices to nations like India—nations trying to curb their runaway growth rate.

When the "food for freedom" bill reached the Committee on Agriculture, one member tacked the Todd bill on as an amendment with minor changes in wording. The package passed the House on June 9 by an overwhelming 333–20 vote.

ALLY FROM HAWAII

Mr. TODD's ally in committee was Rep. SPARK M. MATSUNAGA (D) of Hawaii. The latter's strong support of family planning owes also to a stay in Calcutta.

The Hawaiian congressman visited India last December at the behest of the late Prime Minister Lal Bahadur Shastri. The experience convinced him that better farming methods alone were not enough.

"We have to do something about population," he told this reporter. "I visited Calcutta, where a quarter of a million people sleep on the streets at night.

"I have five children of my own. And when I saw those youngsters—really nothing but skin and bones—begging for food and money, I saw my own children looking at me through their eyes.

"Do you realize," he went on, "that India produces 11½ million people annually. That's the population of Australia. So they're adding another Australia every year. And they can't feed those they have."

When the "food for freedom" bill cleared the House with the Matsunaga amendment intact, family-planning supporters rejoiced.

"They started with the back-door approach," one observer remarked. "The way to get Congress on the record of birth control is to place a modest proposal before it, and this Todd bill is very mild."

"Well the food for freedom bill got through without any flak," another House source noted with a strong tinge of cynicism, "because the members think 'these are little yellow and brown people on the other side of the earth.'

"Politicians are not leaders. Nobody is going to pick it up if they're not sure how the people back home will take to it."

Rep. JAMES A. MACKAY (D) of Georgia agrees in part.

"Many people think that the population explosion is taking place 'over there,'" he said.

"It isn't. It's right here."

GRUENING GIVEN AMPLE CREDIT

Mr. MACKAY should know. He occupies a new House seat created by the landmark Westbury decision. When Georgia redrew its congressional boundaries by judicial decree, it left Mr. MACKAY one of the fastest growing areas in the nation as a home base. It includes a slice of Atlanta and its suburbs.

"Georgia has one somber statistic that we're not very proud to mention," he said, tapping a map of the state on his office wall.

"We record more than 8,500 illegitimate births each year.

"Now my interest in strengthening the family unit is a Methodist layman's interest. But I want to translate the thoughts of my constituency into legislation where it's needed."

Many members of Congress credit any stepped-up interest by the executive branch to 1965 hearings held by Sen. ERNEST GRUENING (D) of Alaska.

"Those hearings gave Secretary of the Interior (Stewart L.) Udall the push he needed," a House observer said. "He passed family-planning aid on to Indians and Eskimos as a result."

The Gruening committee's findings apparently lent impetus to the Department of Health, Education, and Welfare program as well.

"HEW needed evidence of Congress' mood," Mr. Todd said. "Now it's catching up, after proceeding slowly and cautiously for so long."

NEW POSTS RECOMMENDED

Senator GRUENING says Congress should commit the executive branch to family planning. He filed a bill creating an "Under-

secretary for Population Problems" in both HEW and the State Department. But the administration is thought to prefer its present informal role.

One of Senator GRUENING's backers in this case is Rep. THOMAS M. PELLY (R) of Washington.

Mr. PELLY, a member of the House Science and Astronautics Committee, which is also studying world birth-rate trends, spelled out his thoughts on the proper federal role:

"We have an obligation in this field. We're responsible for lowering the mortality rate through research. But we've not reduced the fertility rate. We spend so much for exploration of space. I'd prefer to devote more of it to improving life on this planet.

"All our foreign aid is almost futile," he went on, "because it doesn't allow for increasing the standard of living. We're going to face a federal food deficit. We'll have to redouble our efforts to grow food and, of course, to curb population growth."

Some big-city congressmen see family planning as an important weapon in the war on poverty. They see a close tie-in between unwanted children and the findings of the Moynihan Report (a 1965 Department of Labor study tracing the breakdown of the Negro family).

The spokesman of this House faction is another freshmen, Rep. CHARLES C. DIGGS JR. (D) of Michigan. Rep. JOHN CONYERS JR. (D) of Michigan and Mr. DIGGS both sponsored domestic family-planning bills. Significantly, both men are Detroit Negroes.

CITIES VARY IN SUCCESS

"We don't have a population explosion here yet," a Conyers aide asserted. "That's not our problem. It's unwanted children. Kids leave home as soon as they can fend for themselves on the street.

"And there's an economic bias in this situation. One has to be in the uper crust in order to be knowledgeable. Poor people don't have access to the information. Welfare and the poverty program won't tell them about it.

"So we want free access. If a municipality wants to set up a birth-control program, it should be able to come before the federal government and get it."

Such a family-planning program remains in the "tooling-up" stage in Detroit. Some other cities like New York fare better, according to HEW sources. But in others like Philadelphia, religious and political factors force clinics to operate "under the table."

Yet birth control finds far less hostility in Congress than it would have just a few years ago. Most observers lay this to a gradually more liberal attitude of the Roman Catholic Church.

"I haven't found anyone in the House opposed," maintained Rep. J. ARTHUR YOUNGER (R) of California. "There's no question but that the country will save money and future difficulties if it adopts family planning."

Mr. YOUNGER, a member of the Planned Parenthood Federation of America, said the majority of his mail on the issue favors birth control.

Recent polls by Mr. CONYERS, Rep. TENO RONCALIO (D) of Wyoming and Rep. CHARLES R. JONAS (R) of North Carolina show the same broad groundswell.

SUPPORT STEADILY GROWING

The shift in public opinion—plus the persuasive abilities of Senator GRUENING, Mr. TODD, and others—has swelled the list of family-planning converts. Rep. CLAUDE PEPPER (D) of Florida, for instance, recently joined the Gruening-Todd forces.

"What should the federal government be doing about the population crisis?" this reporter asked the Miami congressman.

"I'll answer that differently that I would have a few months ago," Mr. PEPPER replied. "I would then have said it's too sensitive a subject and we should softpeddle it.

"But I've been talking with Senator GRUENING, and I want to openly identify myself with it. Now I feel that next to nuclear war, the population explosion is our most serious problem. If it [the birth rate] goes on like this, the prospects are absolutely fearful."

Even so Mr. PEPPER sides with the Office of Economic Opportunity's position in withholding birth-control devices from unwed women and women not living with their husbands. To act otherwise, he feels, would encourage promiscuity.

Mr. PELLY takes another stance.

"Sargent Shriver's [director of the Office of Employment Opportunity] duty is to provide education," he said, "and—if it [birth control] treads on the feelings of some religious groups—I don't think he should go much beyond that. I don't think he could afford to politically."

Though some differ on the means of setting up family-planning services, most congressmen would agree with Mr. PEPPER on the importance of their goal.

"As I see it," he declared, "I have a duty to see my country survive. And I've been slow to take a position, because birth control is a sensitive issue. But I've just about decided that the future of my country is at stake."

THE HUNTER CAN NO LONGER HUNT

Mr. BARTLETT. Mr. President, change comes to the tundra of the Arctic as it comes to the green fields surrounding the great urban areas of the Nation.

Perhaps the rate of change is a bit slower, but it nevertheless takes its toll. The old ways are no longer good enough, but there are no new ways to fill the void with a decent standard of living, let alone with dignity.

The people of the Arctic tundra are Alaska natives. Once they were hunters and fishermen. Now the hunter can no longer hunt, but neither can he find a job.

That last sentence was taken from an editorial appearing in the July 27 edition of the Seattle Post-Intelligencer. The editorial calls attention to the plight of these people and calls upon us not to forget the fate of these 60,000 persons.

As the editorial points out correctly, there are no easy solutions to the problems of their plight. These people lack decent homes, good jobs, and a sound education. Efforts are being made or are proposed to help correct these lacks. Still more must be done.

In the past, uninformed persons have derided efforts to help Alaska natives, suggesting somehow that these people do not really count or that it is really fun to live in igloos in the Arctic.

Mr. President, these people count, each and every one of them, for if they do not, then none of us does.

And Mr. President, they do not live in igloos. No, they live in some of the worst slums on the face of this earth.

I echo the call of the Seattle Post-Intelligencer not to forget these people, for if we do, we forget all that is good and noble in man.

I ask unanimous consent that the editorial from the Seattle Post-Intelligencer be placed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Seattle (Wash.) Post-Intelligencer, July 27, 1966]

ALASKA'S APPALACHIA

A myriad of problems faces the people of the United States at home and overseas, many of them appearing nearly insoluble, most requiring long-range, high caliber planning.

Among these troubles is one right at our side door, so to speak, a problem scattered, in terms of people, across most of the sprawling land of Alaska.

It is the question of the future of native population of Alaska, one-third of the people of that state.

It is a problem that must not be overlooked in the press of matters that, at the moment, may appear more weighty. And it is one, also, that requires the most exquisite of planning over a generation or more.

Bluntly, most of the native peoples of Alaska—Eskimo, Aleut, Indian—are living in the 19th Century—economically, physically, mentally.

They are American citizens but most of them have no part of the America of the latter third of the 20th Century.

Their sons die in Viet Nam but their illiterate families could not find that unhappy land on a map—if they had a map.

The hunter can no longer hunt . . . but neither can he find a job.

Time and again, if it were not for the largesse of state and federal government, starvation would creep through the villages, through the helter-skelter of shacks that make most of the dying towns of Appalachia look like the Gold Coast.

There is no easy solution to the problem of the future of these people of Alaska any more than there is an easy solution to most of the problems that beset us.

The future of racial minorities in the United States quite literally is a burning question.

But in our preoccupation with the future of a minority of some 20 million persons, let us not lose sight of the fate of some 60,000 other Americans in their villages lost in forest and tundra and foggy island.

INTERSTATE HIGHWAYS

Mr. COOPER. Mr. President, in the August 1 issue of Newsweek magazine, Mr. Raymond Moley has written an interesting article entitled "Interstate Highways."

In this article, the author traces the development of our national system of Interstate and Defense Highways as first proposed by the Eisenhower administration in 1954, and the results the Interstate System has achieved not only in connecting our cities through a great network of highways, but also by incorporating safety features of highway construction that provide the Interstate System with the best safety record of all our highways.

Mr. Moley pays tribute to the excellent work of Mr. Rex Whitton, Federal Highway Administrator since 1961, an opinion which I also share.

With the passage last week of the Federal Aid Highway Act of 1966, this article could not be more timely.

I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERSTATE HIGHWAYS

(By Raymond Moley)

It may be that as the years pass Dwight D. Eisenhower's most enduring service to his country will be regarded as his sponsorship of the great new Interstate Highway system. For he first proposed its creation in 1954 and after long consideration and debate he signed the final legislation which launched the vast project. When completed, this system will transform the face of the nation, bring scores of cities closer through speedy, safe and comfortable automotive travel, facilitate commerce among the states and offer inexpensive recreation for millions of people.

It is a relief after the long preoccupation last winter and spring over the sanguinary matter of highway accidents, and now while the tourist season is at its height, to consider what is right about our highways.

Since 1946 I have crossed the nation 31 times by car and from year to year have literally seen the evidences of improvement. I have used almost every route from coast to coast and have crossed a large majority of the states. Ten or more years ago, such a crossing required eight to ten days. Last month I made the round trip in twelve days of comfortable daytime travel. The difference was due to the construction over those years of what is called the National System of Interstate and Defense Highways and toll turnpikes in six states.

TWO PROGRAMS

There has been some Federal aid ever since the great westward migration in the 1820s. But the first systematic plan was not adopted until 1916. In 1944 Congress adopted the concept of a great network to connect many cities and towns. But it was not until the Eisenhower Administration assumed office that the network plan was adopted. It was in 1956 that the present plan was finally passed by Congress and a means of financing it was created.

There are two systems of Federal highway aid. The older one involves grants in varying amounts to help the states and urban areas construct their own highways. The new system is marked by the shields "Interstate," with even numbering for East-West and odd numbering for North-South. The Interstate is the primary system.

When completed, Interstate will include 41,000 miles of uniform construction with wide pavements, depressed dividing areas and landscaping—the epitome of safety, speed and attractiveness. In March of this year 21,000 miles of this system were open to traffic; 5,900 miles were under construction and the remainder were in various stages of planning. Of these, 17,000 miles have been built under the 90–10 sharing of costs between the Federal government and the states. Interstate will be only 1 per cent of the total mileage of roads, streets and highways of the nation. But it will carry 20 per cent of the automotive traffic.

SOUND FINANCING

Various plans were proposed in the 1950s for financing this immense public work. Tolls were considered and rejected, as was financing by bond issues. Finally the present plan of user taxes routed through a Federal trust fund was adopted. Thus the burden does not fall on the income tax and, since it is not financed by bonds, it is only indirectly inflationary.

A total of $25.6 billion has been committed since 1956. When the system is completed the cost will be $46 billion. This will be the greatest government public-works project in the world's history.

Since safety is a major consideration in highway construction, Interstate has a notable record. The ratio of fatalities on this system to those on highways in the same channels of travel is 2–9. In April and June I traveled nearly 10,000 miles, mostly over Interstate, and saw evidence of only one accident, an overturned truck. The driver sustained only bumps and bruises.

The directing genius in this construction since 1961 has been Rex M. Whitton, Federal Highway Administrator. Whitton has been a highway engineer for 40 years. In 1956 as president of the Association of Highway Departments he gave testimony before Congress which materially contributed to the final plan. When Interstate is completed in 1972 the system will be a monument to his capacity as an administrator. And to Dwight D. Eisenhower, whose vision prevailed at the beginning.

TITLE IV OF S. 3296 AND THE GHETTO

Mr. ERVIN. Mr. President, for several weeks the Subcommittee on Constitutional Rights has been holding hearings on the various civil rights bills now pending before it. Much of the testimony we have received has been concerned with title IV of S. 3296, the housing section of the administration's proposed Civil Rights Act of 1966. As all Members of the Senate know, I object to this title on several grounds. However, my concern today is not with arguments against the bill, but rather with the dangerous rhetoric advanced by many of its proponents.

Chief among the reasons advanced for a Federal open occupancy law is the elimination of the so-called black ghetto, a cliche of recent vintage which I take to mean those urban areas predominantly inhabited by members of the Negro race. The use of the term in this fashion is absolutely incorrect. Historically, a ghetto was the quarter of some European cities to which Jews were restricted for residence. There is no law compelling members of any group to congregate in any one quarter of any American city. Under the law of our land, any man of any color possessing financial means can buy and live in any area where there is a willing seller.

There are other forces which cause low income groups of whatever race or religion, to gravitate toward slum areas. And these economic forces are not related to Federal antidiscrimination bills. If they have done nothing else, the subcommittee hearings have proven that title IV can no more eliminate the black ghetto from our cities than I can eliminate the misleading cliche from our vocabulary.

The real problem our cities face is not one of racial segregation, but of substandard housing, of economic opportunities and of education—problems which cut across ethnic lines. Although not the intention of its drafters, the practical effect of the bill would be the integration of slums, a policy that is both unworthy and unattainable.

There are 17 States with open occupancy laws. In not one of these States has the residential pattern changed as a result of those laws; in not one has there been any impact on what is referred to as the ghetto. New York has housing legislation with stronger enforcement procedures even than that proposed to Congress. But Harlem is still there, and it will remain there whether or not we enact title IV. The same is true of a hundred other Harlems in a hundred other cities. To hold otherwise is to exceed the bounds of responsible debate.

There is not one section of title IV that would provide better housing for a single American of any race or religion. The tension in low income Negro areas is already so great that the added frustration which is bound to occur as a result of false promises would make for intolerable situations.

I do not accuse all proponents of using the ghetto argument; I accuse no one of intentional demagoguery. I do say that in overstating their case, many individuals and organizations are playing a dangerous game with the lives and hopes of millions of Americans. I was happy to see in a recent editorial that the New York Times specifically refuted the connection between the so-called ghettos and the civil rights bill. The Times pointed out:

> It makes little sense to argue the bill's merits in terms of the recent riots, for most of the people in the slums will not be affected whether it is voted up or down.

Recently, the eminent columnist, Richard Wilson, wrote on the subject "Practical Steps Needed to Better Negroes' Lot." In his column, Mr. Wilson eloquently states the immediate needs of those in the ghetto and suggested possible remedies. He observes:

> A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions.

This article deserves study at every level of government, for the author has pointed the way to solutions for real problems. I ask unanimous consent to have Mr. Wilson's column printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, July 22, 1966]

PRACTICAL STEPS NEEDED TO BETTER NEGROES' LOT

(By Richard Wilson)

As was foreseen earlier this year Negro rioting has again broken out in some cities. The common characteristic of these disorders is that they are confined to the areas in which Negroes are concentrated.

Casualties, for the most part, are Negro participants, bystanders, and police who are trying to control the disorders. Negroes have not yet moved out of the ghettoes to "get whitey."

Much hand-wringing and alarmist generalization attends these disorders but very little attention is given to those aspects of the problem for which there are remedies.

That is what the rioting again brings into such tragic focus. Nothing meaningful, or

not very much, is being done to improve the housing and environment in which Negroes now live, and will live for many years. Nor is enough being done to correct the extraordinarily high rate of unemployment among Negroes.

Theorists talk of abolishing the Negro ghettoes and discuss broad concepts of social equality and a dream world of universal inter-mixture and brotherhood. We cannot wait that long. Or, theorists discuss the philosophical differences between non-violence and "black power," and the rise of violence-prone black racist groups who comprise only a small fraction of the Negro population.

But they drag their feet in pursuit of measures for improving the environment in which Negroes live now—not 20 or 30 years from now but today, not in some intermixed community of tomorrow but in the ghettoes that will continue to exist for many years.

Recent rioting in Omaha, Neb., is a case in point. Three years ago Negroes demonstrated for more jobs. Civic-minded groups drew up articulated plans to train Negroes for jobs they could fill. The outlook was good. After the recent rioting, a check with those who had drawn up the plans of three years ago revealed that virtually nothing had been done to execute them.

Vice President HUBERT H. HUMPHREY can perhaps be forgiven for the imprudence of his recent remarks that if he had to live as so many Negroes live "with rats nibbling on my children's toes" he might "lead a mighty good revolt himself." The vice president is sometimes given to overstatement when he is exasperated, and it is clear that he is exasperated over the lack of progress in getting on with specific actions that can be taken to relieve the intolerability of life in the slums.

Some of these actions are so very simple—portable swimming pools, lighted playgrounds, transportation, entertainment centers for example. Other actions will require extensive planning and massive expenditure of federal and local funds.

A quick look at the Watts area in Los Angeles, with its unsatisfactory but relatively tolerable living conditions, causes one to wonder what could happen in the inexpressibly worse areas of New York, Washington and Chicago. Life in some of these areas is simply intolerable, the very ragged edge of existence.

These conditions make the current debate in Congress on open housing guarantees seem as if on another planet. Only a small percentage of Negroes have the resources to escape from the slums into better residential neighborhoods. With or without the federal open housing guarantee, they will live in slums that are growing worse and bigger by the hour.

What was true after the Watts rioting in Los Angeles a year ago is even more true today. "A law library of statutes guaranteeing the right to vote, equal education, equal employment opportunity and access to all public places won't remove the rotten hearts of our cities. The true problems in the slums lie less in constitutional guarantees and moralistic principles than in improved living conditions."

The festering centers in the cities that breed crime, degradation and disorder threaten the safety and welfare of the whole community. Prompt action is imperative. This means massive programs for improved education and keeping Negro children in school whether integrated or non-integrated, massive efforts to restore the stability of Negro family life. Most of all, and immediately, it means physical improvement of the Negro areas, relief from overcrowding, poor sanitation, rat infestation, frightful housing. It means beautification and cleaning up.

It means getting on with the correction of specific and visible evils and less preoccupation with the sociological and psychological mysteries of the white-colored relationship that our great grandchildren will still be discussing.

ROLE OF SMALL BUSINESS ADMINISTRATION IN NATIONAL ECONOMY

Mr. PELL. Mr. President, it has been little more than 60 days since President Johnson appointed a new Administrator to head the Small Business Administration.

In that time, under the dynamic leadership of Bernard L. Boutin, the agency, I am happy to say, has taken on a new and vigorous look, ending all talk of merging SBA with another Government agency. Such a merger would have deprived the small businessman, who plays an important role in America's economy, of a strong voice in government. As you know, I have been highly critical of any attempts to deprive the small businessman of an independent voice.

I, as a stanch supporter of small business, am pleased to see that the agency is now ready to provide a strong, permanent voice for small business, a voice that will speak loudly and clearly.

Small businessmen traditionally have been independent. Nevertheless, they sometimes need help so that their firms can grow and prosper. No one knows this better than Mr. Boutin, who for many years was a small businessman in Laconia, N.H. Utilizing his knowledge of the needs of small business, he is helping to better prepare SBA to assist small businessmen, either financially or through management assistance.

At the swearing-in ceremony for the agency's new Administrator in May, President Johnson announced that the moratorium on SBA regular business loans was being lifted. Since that time the agency has provided financial assistance totaling more than $17 million to more than 600 small businesses. In the last 2 months the agency has also made more than $1 million in disaster loans to residents of Topeka, Kans., who lost their homes and businesses as the result of a tornado.

These figures, however, tell only part of the story. Much effort is being put forth now to humanize the agency, to make it more responsive to small businessmen seeking its assistance.

I have learned that SBA field personnel now sit down with every businessman coming into their offices to discuss his needs. They then outline programs available to him and the ones best suited to solve his problems.

In some cases a loan is in order; in others management assistance is needed. Often both forms of aid are necessary. A loan may be of little value if the recipient does not receive management assistance to teach him to run his business more efficiently.

Whatever his needs require, the small businessman can now count on SBA for sound, sympathetic advice.

In addition to the assistance rendered by regular SBA personnel, small businessmen can also receive management aid from members of SCORE, the agency's service corps of retired executives. These dedicated men have provided invaluable assistance to small businessmen who need the advice of experienced hands.

SBA has long needed to force stronger links with the business community, so that small business can profit both financially and intellectually from the resources of both the Federal Government and big business. I am glad that the agency is now moving in this direction.

SBA is trying to sell banks its sound loans, guaranteed up to 90 percent.

The agency is also trying to interest banks in making more loans to small businesses without agency participation. The ultimate goal, Mr. Boutin has said, is "to lend no Federal money when private funds are available."

Banks, however, are not the only nongovernmental institution with which SBA is working to help the small businessman.

The agency is putting increased emphasis on its State and National advisory boards. These groups can help explain SBA's program to the small businessman and, in turn, can tell the agency what the small businessman has on his mind. This strengthened link with small business will enable SBA to better cope with the ever-changing problems of the people it serves.

SBA is also placing increased emphasis on assistance from educational institutions. The business schools of our country can render a great service to small businessmen through their management courses and business counseling. This resource has scarcely been tapped. SBA is attempting to utilize it to the maximum extent.

The new Administrator has taken still another step to strengthen SBA through a new approach to choosing among loan investments. This approach will take into account the impact a loan will have on national goals.

In line with this, the agency has established certain lending objectives. They include:

Loans to businesses in areas of substantial or persistent unemployment.

Loans that will result in a reduction in the balance of payments through export sales.

Loans that help achieve such national goals as reduction of air or water pollution or development of federally owned recreation lands.

Loans in the public interest, based on local needs, which clearly help strengthen the local economy.

These objectives are all of equal merit. They are vital to the future growth of this Nation. I am happy to see SBA make them a criteria for granting loans.

Despite the adoption of these equal priorities, SBA will still base its final decision on approving a loan on the merit of the application. This is as it should be. Applicants with good proposals will not be penalized because they happen to fall outside the priority categories.

In the past, SBA has had some problems with the small business investment companies it licenses. These firms, some of which receive Government loans, have lent nearly $1 billion to small business in more than 20,000 separate financial transactions during the past 8 years.

As soon as Mr. Boutin took office he began to look into the problem SBIC's. He has tightened up the inspections of each firm, ordering an examination of every one within the next 4 months. In addition, he has ordered a revamping of SBA's accounting system so that more accurate records on the SBIC's can be kept.

The new Administrator has also ordered a thorough review of regulations governing the SBIC's to take place within the next 2 months.

These are only a few of the steps he has taken to deal with these firms.

I feel certain that with Mr. Boutin riding herd the difficulties will be ironed out, and the SBIC program will be stronger as a result.

The rural small businessman, who frequently has to play second fiddle to his urban brother, has not been neglected in the reshaping of SBA.

Through the agency's local development program—commonly referred to as the 502 program—SBA is focusing on aiding business in towns with populations of less than 50,000.

This program has helped put many towns back on their feet after they have been struck by economic disasters, such as loss of their major industries.

Any community that wishes can form a development corporation and help itself through the 502 program.

In appointing Mr. Boutin to head SBA, President Johnson told him "to remember the real value of the people" who are going to come through the doors of the agency's offices. Mr. Boutin is heeding the President's words.

With his leadership, I am confident SBA will prove its value as an independent agency that is responsible and responsive to small business.

Mr. President, I ask unanimous consent to insert into the RECORD at this point a statement of the Small Business Administration of New England, Inc., presented by Ernest H. Osgood, Jr., president, on July 20 of this year before the House Select Committee on Small Business.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., PRESENTED BY ERNEST H. OSGOOD, JR., PRESIDENT

(Before the Select Committee on Small Business of the House of Representatives, July 20, 1966, concerning the views of our organization on the role of the Small Business Administration in our National economy and the effectiveness of its programs in the interests of small business.)

Gentlemen: Our Association welcomes this opportunity to appear before you today and express our views on the Small Business Administration. Nearly a decade and a half ago, when the Small Business Act was being shaped, SBANE worked closely with the Congress in developing an agency that could best meet the needs of small business.

Today, we ask consideration of the following suggestions designed to improve the effectiveness of this vital agency in assisting small business.

DURING NATURAL DISASTERS THE SBA SHOULD BE CONCERNED SOLELY WITH SMALL BUSINESS LOANS

The passage of legislation in this session of Congress to amend the Small Business Act to create separate funds for business disaster loans was rejoiced by all who are disturbed by the curtailment of the direct loan program in 1964 and 1965.

However, the effect of natural disasters also results in the temporary transfer of SBA loan processors and appraisers from throughout the country to administer the disaster loan program causing serious manpower shortages.

Our Association believes rapid movement of SBA personnel into a disaster area to help small business is commendable. However, this transfer of personnel, worthy as it might have been, resulted in reduced operations in other sections of the country which in turn effected adversely the overall SBA program.

It is of interest to note that as of January 18, 1966 the SBA in Louisiana had granted 20,600 loans for $72,500,000 to homeowners or persons losing household effects as a result of hurricane "Betsy" and 1,100 loans for $22,000,000 for owners of businesses.

SBANE does not believe it was the intent of the Congress in 1953 to place the SBA in the home loan program and would recommend that a study be made to determine if some other agency should administer these residential loans. We suggest that possibly the Federal Housing Administration or Savings and Loan banks with their experience and expertise might be more ideally equipped to handle such loans.

SBA LOANS TO SMALL BUSINESS DISPLACED BY STATE AND LOCAL GOVERNMENT

Under an existing program the Small Business Administration is able to make loans available at reduced interest rates to businesses displaced by Federal programs such as Urban Renewal, highways, etc. However, a small business that suffers serious economic loss because of a State or local project does not enjoy this loan assistance. SBANE recommends that this Committee support expansion of Section 7(b)(3) of the Small Business Act to allow equally deserving small businesses displaced by State or local projects an eligibility for loans on the same basis as those affected by similar Federal projects.

SALE OF SURPLUS U.S. GOVERNMENT MACHINE TOOLS TO SMALL BUSINESS

Our Association asks that consideration be given by the Small Business Administration to establishing a program that would make available U.S. Government surplus machine tools and related equipment for sale to small business.

There is presently a critical shortage of machine tools in the United States in many categories. Rising demand for this equipment has resulted in some machine tools 20 years old selling at a higher price than when new. Small Business is at a disadvantage when ordering new machine tools because of a lack of priority when not involved in prime contracts. The waiting period for delivery of this new equipment is from 12 to 18 months at a time when, due to the Viet Nam crisis, efficient and timely production by small business manufacturers is even more important to its existence.

It has been estimated that government owned surplus in plants and warehouess number over 100,000 tools.

Much of this machinery, which is in good condition, would if made available to the small manufacturing firm enable it to improve its production and in many instances improve the accuracy and quality of the final product. This in turn would enhance the overall efficiency of our arms program.

We feel that under the able direction of the new Administrator, Bernard Boutin, this program could be developed and implemented without delay. The selling price formula could be implemented on the basis of the system used after World War II under the War Assets Program.

REINSTATEMENT OF SBA SET-ASIDE PROGRAM AND PCRS

Once again, SBANE strongly urges your support of a measure that will reinstate the Small Business Administration's Set-Aside Program and Procurement Center Representatives. Last year the number of Small Business Administration PCRs were reduced from 46 to 14 by the Administration, thus eliminating SBA's role of initiating small business set-asides.

In our judgment, this move was ill-conceived and will mean a substantial reduction in the amount of government procurement exclusively restricted to small business at a critical time when defense requirements are increasing to support the conflict in Viet Nam.

Each year the SBA has been achieving greater amounts in set-asides by dollar value. The set-asides are largely responsible for the reversal of the downward trend in the percentage of prime contracts awarded to small business. In the fiscal year 1965, 51,556 joint set-asides were made with an estimated value of $3,051,057,000. This is the largest amount of any previous year, and accounts for approximately 20.3% prime contracts being awarded to small business in 1965 as compared with 18% in 1964. In view of the growing success of this program, SBANE cannot understand any reasons for its discontinuance.

The removal of SBA PCRs denies small concerns an independent champion for its interests in government procurement agencies. Although the surveillance program agreed to by the SBA in the Department of Defense may yield some constructive results, it cannot, nor is it intended to, replace the set-aside program now being handled on a unilateral basis in the procurement centers. Under the present system small business specialists at the Center now initiate set-asides to the contracting officers. In many instances, these contracting officers are the people to whom they report in the performance of collateral duties. SBANE appreciates the helpfulness of the small business specialist, but recognizes that no man can equitably serve two masters.

PARTICIPATION OF SBA WITH RELATED GOVERNMENT PROGRAMS

On September 14, 1965, Public Law 89–182 was enacted "to promote commerce and encourage economic growth by supporting state and interstate programs to place the findings of science usefully in the hands of American enterprise."

This important bill was written without mention of any role for the Small Business Administration despite similar assistance offered in Section 9 of the Small Business Act.

Our Association believes that any federal legislation of particular interest to small business should be brought to the attention of the SBA to avoid duplication of existing programs. The SBA's experience should be used in developing such legislation and providing the personnel to assist in the execution of such legislation.

SBANE recommends that closer liaison be developed within the government so that the valuable resources of the SBA will be utilized in all programs that will be especially useful to small business.

REINSTATE LOAN PROGRAM TO PREVIOUS LEVELS

Our Association was pleased to hear President Johnson announce at the swearing-in ceremony of Administrator Boutin on May 19th, that the SBA would resume accepting regular business loan applications in a week. The resumption of this program is especially important in view of the tight money market and its effect on small business.

However, the loan program is still under curtailment compared to previous levels. The direct loan program is limited to $50,000 compared to its former $350,000 ceiling. In New England the bank participation loans of 25% are in greatest demand due to the

shortage of money, but in this area limit is $100,000 compared to its former $350,000. Although the loan guarantee program is set at $350,000 many banks do not have the resources since it requires their money.

We ask that the loan program be restored to the previously set ceilings without additional delay.

CONSIDERATION OF LOCAL NEEDS IN SETTING PRIORITIES

Under the prevailing system of granting loans by priorities established in May, defense-oriented firms receive first preference, followed by loans that increase employment, boost export sales, reduce water and air pollution and firms contributing to the public interest based on local economic needs.

SBANE does not believe there is anything intrinsically wrong with the priority system but would recommend greater participation on the local level in establishing these goals. Presently, the priorities are nationwide and we believe there might be some merit to allowing each Area Administrator to set priorities best suited to his region, especially if it encourages diversification of industry.

For example, many sections of New England are heavily involved in defense-oriented businesses. Giving defense first priority will create an unbalanced situation as other types of business in different sections in such fields as consumer goods might well be more deserving of priority for the good of one regional economy. Undoubtedly, in many sections of the country there are other cases where a more flexible, regionalized priority system would result in more diversity.

EXPANSION OF LEASE GUARANTEE PROGRAMS

Under Section 316 of the Housing and Urban Development Act of 1965 the SBA was authorized $5,000,000 for lease guarantees to specified classes of small businesses displaced by eminent domain and businesses covered by Title 4 of the Economic Opportunity Act. We understand this program will soon be implemented by the SBA. SBANE recommends your consideration to extending the coverage of lease guarantees.

Members of our Association have experienced great difficulty in meeting the finanical requirements of shopping center owners. The results have been the exclusion of small businesses from these lucrative locations in many instances. We ask the committees assistance in broadening the eligibility of such guarantees.

TRANSFER OF SBA TO COMMERCE DEPARTMENT

Our Association continues to be concerned by rumors that have persisted for over six months that the Small Business Administration will be stripped of its independent status and placed within the Department of Commerce.

In spite of the assurance that any action formerly contemplated along these lines had been shelved, we continue to receive reports that this move is not yet beyond the realm of possibility.

During the several years that the Smaller Business Association of New England worked closely with both the Senate and House Select Small Business Committees on establishing the SBA, the feeling was unanimous that an independent organization was an absolute necessity. In fact, our Association and many Congressmen would have voted against the 1953 Act if it had not provided that this body would be independent and directly under the control of the President. We all remember when agencies for small business existed within the Department of Commerce several years ago only to be relegated to obscurity in a department traditionally concerned with big business.

We concur with the expressions of Administrator Boutin in a recent speech before the National Advisory Council when he said, ". . . the SBA cannot be the strong and effective voice of small business within the Government unless it maintains its position as an independent agency of this Government."

During the past year the Small Business Administration has faced several serious problems such as the stoppage in the direct loan program, extended vacancy in the office of administrator and threats of the SBA becoming a part of the Commerce Department. Constructive measures have been taken to correct all of these situations and we are hopeful that a more healthy and vigorous SBA will emerge.

Our Association is especially pleased to have a man of the qualifications and experience of Bernard Boutin as the new SBA Administrator. We are confident his leadership will give added stature to this vital agency.

The concern and constructive efforts of this Committee under its distinguished Chairman, JOE EVINS, in the interests of small business everywhere has been most gratifying to SBANE and we look forward to continuing our close working relationship.

In the areas presented by SBANE today there are special sub-committees, composed of executives in small business, which will willingly provide more detailed information for your committee.

Thank you and we hope our recommendations will be useful in your study of the Small Business Administration.

THE UNFAIRNESS OF PROPOSED INTERNAL REVENUE SERVICE REGULATIONS ON TEACHERS' EXPENSES

Mr. YARBOROUGH. Mr. President, the Internal Revenue Service is proposing changes in its regulations concerning the deductibility of educational expenses for teachers. These regulations would substantially reduce the expenses which teachers could deduct, and would be quite unfair to them. For example, under present regulations, once an employee satisfies his employer's requirement for a minimum education, any courses which he must take as a result of changes in that minimum are deductible. Under the proposed regulations, if the minimum were increased, expenses for courses which the teacher would take to meet the new requirement would not be considered for deduction. In addition, if courses taken by a teacher qualify him for a different or better position in his school system, the expenses involved will not be deductible, even if the teacher had no intention of seeking an improved position when he took the courses.

Mr. President, I have received quite a few complaints from teachers and school boards about the effect of these proposed regulations on teachers. One of the most detailed and specific communications I have received is from the Laredo, Tex., Independent School District. I ask unanimous consent that the resolution adopted by the board of trustees of the Laredo School District and the covering letter from Mr. J. W. Nixon, superintendent of the Laredo public schools, be printed at this point in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

LAREDO PUBLIC SCHOOLS,
Laredo, Tex., July 20, 1966.

Hon. RALPH W. YARBOROUGH,
U.S. Senator,
State of Texas,
Senate Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: On instruction from the Board of Trustees of Laredo Independent School District, I am writing you concerning the recent proposed rule of the Department of the Treasury of the United States which in effect would declare as non-deductible from Income Tax Returns those expenses incurred by a teacher or professor in improving their educational skills in connection with their teaching professions.

It is very clear that this curb on the incentive for a teacher to improve his or her teaching capabilities will reflect detrimentally on the entire teaching profession and result in a still further handicap in obtaining and retaining qualified teachers in the school systems of the country. It is felt that the benefits of the increased revenue obtained from this proposed ruling is far outweighed by the almost certain lowering of the educational standards through a disinclination of most teachers to pursue their educational careers.

I am enclosing a resolution adopted by the board of trustees expressing much of the sentiments above set out and most earnestly and sincerely request you help in seeing that this proposed ruling, as it affects the teachers, will not be adopted by the Treasury Department.

Very truly yours,

J. W. NIXON,
Superintendent, Laredo Public Schools.

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF THE LAREDO INDEPENDENT SCHOOL DISTRICT

Whereas, it has been made known to the Board of Trustees of the Laredo Independent School District that a proposed rule of the Treasury Department of the United States, if adopted, would in effect deprive teachers from deducting from their Income Tax Return expenses incurred in furthering their educational pursuits; and,

Whereas, it is the opinion of the Board of Trustees that such rule, if adopted, would serve as a curb on and seriously hamper teachers and professors in bettering their skills and knowledge as teachers and would operate as an obvious detriment to the entire teaching profession throughout the entire country; and,

Whereas, it is felt by the Board of Trustees that they should make known to the properly elected officials their opposition to this proposed rule; Therefore,

Be it resolved that the Board of Trustees of the Laredo Independent School District go on record as being unalterally opposed to said proposed rule of the Treasury Department of the United States and the Superintendent of the Laredo Public Schools communicate to the United States Senators from Texas and the United States Congressman as well as the Senator and Representative, this expression of the Board, with an accompanying copy of this resolution.

Adopted by the Board of Trustees of the Laredo Independent School District, at a regular meeting this the ——— day of ——— 1966.

LAREDO INDEPENDENT SCHOOL DISTRICT.
By: HAROLD R. YEARY, *President.*
Attest:

R. J. GOODMAN,
Secretary.

Mr. YARBOROUGH. Mr. President, I am quite sympathetic to the complaints raised in this and other letters I have received. Last year I cosponsored S. 1203, which would allow teachers to deduct educational expenses from their gross income for tax purposes. I have also written to Commissioner of Internal Revenue Cohen to state my opposition to portions of the IRS's proposal. Teachers who have served many years and have devoted their lives to their students and their schools will find that expenses involved in maintaining their positions are

no longer deductible. Members of other professions are not treated this way in the tax regulations, and there is no reason why teachers should be subjected to the proposed rules. Teachers should be allowed considerable latitude in the means they choose to improve their teaching. The IRS proposal would severely restrict their choice.

Mr. President, I ask unanimous consent that a copy of my letter of June 22, 1966, to the Internal Revenue Service be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 22, 1966.

Mr. SHELDON S. COHEN,
Commissioner, Internal Revenue Service, Washington, D.C.
(Attention: CC:LR:T).

DEAR COMMISSIONER COHEN: I am writing to state my opposition to portions of the Internal Revenue Service's recent Notice concerning the deductibility of educational expenses.

Information supplied to me by the Internal Revenue Service indicates that a teacher will no longer be allowed to deduct expenses incurred in meeting increased minimum education requirements set for his position at his initial employment.

This proposal is extremely unfair to teachers, most of whom have worked extremely hard to meet the minimum requirements of their jobs. Many have also served many years, devoted their lives to their students and their schools, only to find that they now have to attend more courses or obtain a new certificate in order to keep their present position. I think it unreasonable for the Internal Revenue Service to say that expenses in connection with increased education requirements for teachers will no longer be deductible. Other professional workers, such as lawyers and accountants, are able to deduct expenses for a broad range of institutes, seminars, and courses, and will be able to under the changes proposed. Teachers should be treated on the same level; they are no less professionals than others who have been able to benefit from these provisions and will be able to do so in the future.

It is my understanding that the Internal Revenue Service will not allow deductions for expenses for courses which qualify a person for a different or better position in his school system, or for a better salary, even though this was not the intention of the teacher when he enrolled for the course or courses involved. I also take exception to this interpretation. Teachers should be able to have considerable latitude in the educational means they choose to improve their teaching, regardless of the job consequences, good or bad, of such additional work on their part.

I strongly urge that these portions of the proposed changes in the regulations be eliminated, and also request that you develop regulations which will allow teachers to claim all legitimate educational and other related expenses they incur.

Sincerely yours,

RALPH W. YARBOROUGH.

THE LATE FORMER SENATOR HAZEL ABEL, OF NEBRASKA

Mr. CURTIS. Mr. President, I wish to speak concerning a former Member of this body, Senator Hazel Abel, who died in a Lincoln, Nebr., hospital on Saturday, July 30, 1966.

Senator Abel's service in this body was short, but it was impressive. She had a broad grasp of public questions. She possessed a very keen mind, and she was representative of everything that is fine and good in our country.

Senator Dwight Griswold, of Nebraska, died in the spring of 1954. Senator Abel was elected to fill out the unexpired term on November 2, 1954. She received 233,589 votes as against the Democratic candidate who received 170,823 votes. That election will be remembered by many Nebraskans. It was on that day that Nebraska elected three U.S. Senators. My senior colleague, Senator ROMAN HRUSKA, was elected to fill the unexpired term of 4 years plus of the late Senator Hugh Butler. In addition to Senator Abel and Senator HRUSKA, I was elected to the U.S. Senate on that day for a full 6-year term.

Mr. President, all of Nebraska and many fine Nebraska institutions owe a great debt of gratitude to Mrs. Abel for her generosity, her help, and her leadership. I, as an individual, am greatly indebted to her. She was helpful to me in many ways, and she resigned her seat in the U.S. Senate effective at the end of the day of December 31, 1954, so that I might become Nebraska's Senator on January 1, 1955.

Senator Abel was a distinguished businesswoman. She was prominent as a civic leader. She was a philanthropist. She helped many individuals and many causes that were never publicized. Hospitals, colleges and universities, churches, youth organizations, and a multitude of worthy individuals were the recipients of Mrs. Abel's time, talent, and money.

Many honors came to Mrs. Abel. In 1957 she was American Mother of the Year. In the same year she received the Distinguished Service Award of the Native Sons and Daughters of Nebraska. In 1958 she received the Distinguished Citizen Award from Nebraska Wesleyan. The University of Nebraska gave her a Distinguished Service Award in 1944 and an honorary doctorate degree was given to her by Doane College in 1955.

Mr. President, Nebraska and the Nation has indeed lost one of its stalwart citizens. I know that I speak for this entire body in extending to her family our words of sincere sympathy.

Mr. President, I wish to extend my remarks by including the account of Mrs. Abel's death which appeared in the Omaha World Herald and the Lincoln Journal. Both articles were published on July 31, 1966.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MRS. HAZEL ABEL DIES; STATE LEADER

Mrs. Hazel Abel, 78, of Lincoln, whose successful business and political careers were capped with a term in the U.S. Senate, died Saturday night at a Lincoln hospital.

She had reportedly been at the hospital for several days.

Mrs. Abel was elected at a 1954 general election to fill the two months unexpired Senate term of the late Dwight Griswold, former Nebraska governor.

She was the first Nebraska woman and the third in history to be elected to the U.S. Senate.

Her other political venture was a campaign for governor in 1960, when she finished second in the Republican gubernatorial primary.

Following this defeat, she never became active in Nebraska politics.

MOTHER OF YEAR

Named American Mother of 1957, Mrs. Abel also received that year the distinguished service award of the Native Sons and Daughters of Nebraska and in 1958 the Nebraska Distinguished Citizen Award from Nebraska Wesleyan.

She was chairman of the board of Abel Investment Co. after serving as secretary of the Abel Construction Co. from 1916 to 1936 and president from 1936 to 1951. She had also been president of the George Philip Abel Memorial Foundation.

In May, 1958, she was elected vice president of the American Mothers Committee.

During that month, she was named to the resolutions committee for the 10th biennial convention of the National Federation of Republican Women. She was Nebraska president at that time.

In July, 1958, she accepted chairmanship of the fund-raising campaign for the construction of the W. K. Kellogg Center at the University of Nebraska.

She was chairman of the 1958 Governor's Committee for Youth and a delegate to the White House Conference on Education.

STATE CHAIRMAN

Mrs. Abel was state chairman of the committee working for the Juvenile Court Amendment and vice president of the Lincoln Centennial.

She had been a member of boards of directors for Doane College, Hastings College and Nebraska Wesleyan University.

The Plattsmouth native had also been a former member of the First-Plymouth Congregational Church board of trustees.

She enrolled at the University of Nebraska at the age of 15, graduating in 1908 with a major in mathematics, a B.A. degree and a teacher's certificate.

For 10 years before her marriage to George P. Abel she taught in several Nebraska secondary schools.

After her marriage in 1918, Mr. and Mrs. Abel moved to Lincoln into the house in which Mrs. Abel lived until her death.

For many years Mrs. Abel had been on the board of directors and executive committees of the Community Chest and Red Cross.

HOSPITAL POSTS

She was also a director of Lincoln General Hospital, and for one year was president. She also was president of the Hospital's women's auxiliary.

Mrs. Abel has been president of the Lincoln Branch of the American Assn. of University Women, Parent-Teachers Assn. and Native Sons and Daughters of Nebraska.

She was also a key leader in the Nebraska League of Women Voters, the Lincoln YWCA, Lincoln Camp Fire Girls, Lincoln Girl Scout Council, National Board of Camp Fire Girls, and the Women's Division of the Lincoln Chamber of Commerce.

Survivors include a son, George P. of Lincoln; four daughters, Miss Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Calif., and Miss Ann Abel of Nice, France; a brother, Eugene Hempel of San Bernadino, Calif.; a sister, Mrs. A. J. Sistek of Omaha; and seven grandchildren.

Services are pending at Roper and Sons' Mortuary.

DEATH TAKES EX-SENATOR HAZEL ABEL—NEBRASKAN, ALSO ONCE MOTHER OF YEAR

Mrs. Hazel Abel, the only woman elected to the United States Senate from Nebraska, died here Saturday evening at the age of 78.

Mrs. Abel was the widow of George P. Abel. After he died in 1936, she became president of the Abel Construction Company, a post she held until her son, George P. Abel, Jr., assumed it in 1951.

Among her other honors was her selection as American Mother of the Year in 1957.

She was also Nebraska Mother of the Year that year.

BORN IN PLATTSMOUTH

A third-generation Nebraskan, she was born in Plattsmouth on July 10, 1888, daughter of a Burlington Railroad employe, Charles Hempel. Her paternal grandfather fought in the Civil War.

She was graduated from Omaha High School (now Omaha Central High) in 1904 at age of 15. The University of Nebraska would not accept her at that age, so she waited a year and then graduated in three years.

She was a high school principal at Papillion, Ashland and Crete and taught mathematics at Kearney High School before marrying Mr. Abel in 1916.

SUCCEEDED EVE BOWRING

She served as secretary of the Abel Construction Company from 1916 until 1936. Later she was chairman of the board of the Abel Investment Company and president of the George P. Abel Memorial Foundation.

In the fall of 1954, she was elected to serve the unexpired two months of the term of Senator Dwight Griswold, who died that spring. As the first woman elected to Congress from Nebraska, she succeeded the first woman to represent the state in Congress, Eve Bowring of Merriman, who was appointed when Mr. Griswold died.

CENSURED M'CARTHY

Mrs. Abel resigned on December 31, 1954, allowing CARL CURTIS, who had been elected to the seat for a full term, to be appointed a few days before other freshmen Senators began to serve, thus gaining in seniority. Mrs. Abel had supported Mr. CURTIS in his campaign.

Probably her most important act as a Senator was to vote for the motion to censure Senator Joseph McCarthy (Rep., Wis.). She made a point of listening to "every single minute" of debate on the censure motion and was the first Senator to vote on it. Nebraska's other Senator, ROMAN HRUSKA, voted against it.

SUPPORTED EISENHOWER

In 1956, she was chairman of Nebraska's delegation to the Republican National Convention, where she supported President Eisenhower's and Vice-President Richard Nixon's re-nomination.

In 1960 she sought the Republican nomination for Governor, but was defeated in the primary by State Senator John Cooper of Humboldt.

She was a member of First Plymouth Congregational Church of Lincoln, and served on its board of trustees.

At various times she also served as trustee for Lincoln General Hospital, Doane College, Nebraska Wesleyan University, Hastings College and the University of Nebraska Foundation.

U.N. AWARD IN '44

She received the U.N.'s distinguished service award in 1944, an honorary Doctor of Humane Letters from Doane College in 1955 and the distinguished citizen award of Nebraska Wesleyan University in 1958.

Survivors include her son and four daughters: Alice Abel of Lincoln, Mrs. Gene (Hazel) Tallman of Lincoln, Mrs. Harry (Helen) Ragen of San Diego, Cal., and Ann Abel of Nice, France; a brother, Eugene Hempel of Santa Barbara, Cal., a sister, Mrs. A. J. Sistek of 605 Beverly Drive, Omaha; and seven grandchildren.

WHERE IS ESCALATION LEADING US?

Mr. HARTKE. Mr. President, although it has not been called a new step in escalation of the war in Vietnam, I think there can be little doubt that our bombing of the demilitarized zone in Vietnam this week is in fact another new step-up in escalation.

We are told that this is a military necessity, that the zone which is supposed to be militarily free under the Geneva agreements, and which until now has not been deliberately bombed, is harboring enemy forces we must destroy.

This has been the plea—military necessity—each time we have expanded further our operations in Vietnam. When we began the bombing of North Vietnam in February 1965, we were told that the rate of infiltration from north to south was about 1,600 men a month, and that our air strikes would halt or slow that flow. But within a few months we learned that, far from that being the case, the rate of filtration had tripled to 4,500 or 5,000 men a month.

I have said before that escalation breeds escalation. The President has said repeatedly that "we seek no wider war," but our constant increase of military pressure is widening that war. There is good reason to believe that we are moving our forces constantly upward toward a projected mark of at least 800,000.

The result is that, declarations of war or their lack notwithstanding, we now have far more than guerrilla skirmishes, far more than a peacekeeping operation, far more than subsidiary support for the South Vietnamese forces. In looking at these facts the New Republic recently spoke out editorially.

In the course of doing so, the editorial noted the belief of Gen. Ben Sternberg, who commands the 101st Airborne Division, that 500,000 more U.S. troops are needed in Vietnam. Will this further escalation draw in, not just the present 12 North Vietnamese regiments now engaged, but the 300,000-man army which it has in existence? Will this bring us to a further escalation, perhaps a million of our boys? Will it bring the "military necessity" for landing of troops in the north? Will it bring the land war with China we have long sought to avoid?

These are gloomy possibilities, fearful to consider, but logical and all but inevitable under our present policy. In the meantime, we have a war psychology growing apace, a war economy coming into being, and, as the editorial is entitled, "The War President."

Mr. President, I ask unanimous consent that the editorial from the July 16 issue of the New Republic may appear in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New Republic, July 16, 1966]

THE WAR PRESIDENT

In Omaha, the day after Hanoi and Haiphong were first hit, the President called on God to forgive his critics, "for they know not what they do." All of us stand in need of enlightenment; human judgment is fallible. Just how fallible, Mr. Johnson illustrates. "We have made it clear," he said, "that we wish negotiations to begin on the basis of international agreements made in 1954 and in 1966"; and, "those who say that this is merely a Vietnamese 'civil war' are wrong. The warfare in South Vietnam was started by the government of North Vietnam in 1959." God forgive us, we don't think so.

As early as 1956, the then government of South Vietnam with the backing of the United States, violated the 1954 Geneva agreements, which provided, among other things, for "general elections which will bring the unification of Vietnam"; it also prohibited "the introduction into Vietnam of any troop reinforcements and additional military personnel." Within two years, Ngo Dinh Diem, with our military aid, had made himself a dictator, smashed all political opposition and spurned elections to bring about unification. The Viet Cong began as an armed rebellion against Diem (of whom the U.S. itself finally tired and in 1963 allowed to be overthrown and murdered by a military junta). Intervention from outside Vietnam has been largely American—so far.

Nevertheless, the President now affirms that he will accept and abide by those Geneva agreements. Why, then, don't the Viet Cong and the North Vietnamese agree to negotiate on that basis? Our hunch is, because they don't believe him, and they may well be right. Actions do speak louder than words, and Mr. Johnson is acting out his determination to preserve South Vietnam as a client state, close to China, so that there may be another link in a solid chain that includes South Korea, Formosa and Thailand. The well-being of the Vietnamese is a secondary concern. They must serve our purpose—the military containment of Peking. That is the objective, and it is nonnegotiable. We therefore cannot, Secretary Rusk informed the SEATO conference in Australia the end of June (and later told Congressman FRANK HORTON [R., N.Y.] on TV), permit the Viet Cong to be formally admitted to a peace conference: that would give them a veto on a settlement; they might haggle over terms, whereas what Mr. Rusk and the President really want is unconditional surrender.

When the bombing of North Vietnam began in February last year, the Pentagon stated that the rate of infiltration from North to South was about 1,600 men a month; air strikes, so the logic then ran, would halt or slow down this infiltration. After 15 months of constant pounding from the air, the infiltration rate is said to have tripled to 4,500–5,500 men a month, and the jungle tracks, according to the President, have become "boulevards." Therefore, the original justification had to be discarded and another found. It was. In his July 6 press conference, Mr. Johnson acknowledged that: "We do not say that [the raids] will even reduce it [infiltration]," but they will make life "more difficult" for the enemy. And so they will.

We have been seeing, week after week, where such logic leads us. The estimate of Peter Arnett, who has been reporting from Vietnam for the Associated Press since 1962, is that by bombing the North and pouring American, Korean and Australian troops into the South, "we can beat the major units of the enemy," but "in so doing, we make very little impact on the other two levels of the war." By "the other two levels of the war," Arnett means the battles of the "very tired" Vietnamese army against "local, homegrown" Viet Cong battalions; and the battles of local militia forces against Viet Cong guerrillas in the mountains, in the Mekong Delta rice fields, and along the highly populated coastal plains. It is at this third level that "the real blood of Vietnam is seeping away," and also "at this level the war could continue indefinitely." The Viet Cong can go on fighting as guerrillas for a long, long time.

American forces, who are "beginning to bear the brunt," according to Arnett, are waging war on the enemy units with vastly superior air power, modern artillery and such refinements as the "cluster bomb unit" that shoots out both napalm and hand grenades. But he warns that in order to destroy the

main enemy units, the US will have to double its forces; "certainly at least twice as many as are here now will be needed." And, he adds, "it will also probably mean the destruction of much of Vietnam—both North and South. As the war grows, the destruction is getting very considerable over the countryside. Villages are being devastated as a matter of course." The end of this road is genocide, with no one left with whom one need negotiate.

Arnett is a top-flight reporter, but he is not a professional soldier. General Ben Sternberg is. Commander of the 101st Airborne, he recently returned from 26 months in Vietnam, where he served on General Westmoreland's staff. General Sternberg sees "no stabilization of the military regime, at least in the near future"; he thinks Premier Ky eventually "will have to go," but "civilian government is not possible in South Vietnam now." He believes that 500,000 more US troops are needed in Vietnam—a total of about 800,000—to seal off infiltration and supplies from the North.

But first, the gamble of victory through air power must be played out, with doubled and redoubled bets, even though the systematic destruction from the air of North Vietnam, as Richard N. Goodwin, former Special Assistant to both Presidents Kennedy and Johnson has pointed out, is more likely to pressure the North into sending into battle its 300,000-man army, instead of the 12 North Vietnamese regiments thus far engaged. This in turn would bring a million or more GIs into the war and make it very tempting to consider landing US troops in the North.

Politicians in both parties meanwhile press the President to "get it over with," hit harder and more often—and hope that a fist in the face of the North will not provoke too brutal a counterpunch. At the moment, official Washington is rather complacent about the danger of Chinese intervention, believing that Peking has enough troubles without borrowing more. It is a hazardous assumption in view of the history of our entrapment in Vietnam, a history that is littered with miscalculation.

Who could have foreseen it? The Great Society exponent, the practitioner of common sense, compromise and consensus, has become The War President—sworn to prevent at any cost one set of Vietnamese (unfriendly, we have guaranteed that) from overcoming other Vietnamese (who could not hold power without us).

A PEACE CORPS VOLUNTEER WRITES OF VIETNAM

Mr. HARTKE. Mr. President, in the considerable volume of mail which I have recently received concerning Vietnam, one letter in particular has appealed to me as deserving of wider attention.

This is a letter which came to me, handwritten on the thin paper of an oversea self-mailer letter sheet, from a Peace Corps volunteer living and working in a southeast Asian country. From the standpoint of a dedicated person, concerned with improving the living conditions of the underprivileged in another land, the writer looks at our actions in Vietnam. Our escalation—and in this there is indication that many others in the Peace Corps have similar feelings—is seen as an embarrassment which undermines the work and morale of this Peace Corps worker.

Mr. President, I ask unanimous consent that the contents of the letter to which I refer may appear in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1966.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR MR. HARTKE: I do not know how to adequately express my vast indignation and shame for the pathetic atrocity of our position in Viet Nam. Continual escalation, such as was recently carried out on Hanoi and Haiphong, cannot from this vantage point be interpreted as anything but an arrogant and childish show of force. The question of who the real aggressor is, could, I believe, stand some clarification.

I am not deluded into thinking that the protestations of a few, or even very many, people, will have any effect upon the dogmatic and power-opulent men in the State Department, Pentagon, and White House. However, I would be pleased to add my name to a list of 12,000 Peace Corps Volunteers who would commit themselves to leave their countries of assignment unless something is soon done about the embarrassing escalation. Although such an action may be slightly radical, I feel it could be one of the few adequate means of significant protest.

Sincerely,

——— ———.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE AIRLINES LABOR DISPUTE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the pending business, which the clerk will report.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

The Senate proceeded to consider the joint resolution.

Mr. CLARK obtained the floor.

Mr. MORSE and Mr. MANSFIELD addressed the Chair.

Mr. CLARK. Mr. President, I shall yield first to the majority leader and then to the senior Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. I was going to suggest the absence of a quorum.

Mr. MORSE. Mr. President, the Senator's resolution is the pending business, and I, by way of an amendment in the nature of a substitute, wish to send to the desk a substitute.

Mr. CLARK. To be called up later?

Mr. MORSE. To be called up later.

Mr. CLARK. Mr. President, I yield for that purpose.

Mr. MORSE. Mr. President, I will have copies of my substitute shortly for the Members of the Senate. This is the first copy that I have obtained from the typewriters and the Mimeograph machine. I send to the desk for myself and certain other Senators, whose names I will announce to the Senate shortly—there will be several Senators joining me in offering this measure as a substitute; I do not have their names on it yet and I would like to have it in printed form—an amendment to Senate Joint Resolution 186 in the form of a substitute.

Mr. CLARK. Mr. President, I now yield to the majority leader [Mr. MANSFIELD], with the understanding that I shall not lose my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the Senator from Pennsylvania [Mr. CLARK] yielding the floor for that purpose? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, it is my understanding that our Republican colleagues have a luncheon in progress, which probably is due to end soon. Since there are no Republicans here on the floor as this important legislation is about to be considered, I am going to suggest the absence of a quorum. I am not going to let it run very long, but I will ask those on the Republican side to advise the Republican Senators that the bill is about to be called up.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, Senate Joint Resolution 186 was reported yesterday from the Committee on Labor and Public Welfare by a final vote of 10 to 6.

The joint resolution provides the mechanism for the settlement of the labor dispute currently existing between certain air carriers and their employees. First, let me briefly describe the measure which resulted after long and arduous consideration by the Committee on Labor and Public Welfare. The committee, over a period of 5 days, discussed, in considerable depth, the airline strike and what, if anything, to do about it.

The joint resolution recites that there is a strike called by the machinists' union, which represents employees of Eastern, National, Northwest, Trans World, and United Air Lines. Machinists on a sixth airline, American, also voted to strike, but were restrained from doing so by a Presidential finding that such a strike would substantially interrupt interstate commerce, the order issued under the Railway Labor Act in the American strike, as in earlier strikes of the five airlines, was for a period of 60 days.

The resolution recites that this strike "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services." Those are the words of art used in the Railway Labor Act. A finding to this effect is

a prerequisite to an order under the Railway Labor Act.

The resolution finds, on behalf of Congress, that emergency measures are essential to the settlement of the dispute. Then, in section 2, the resolution extends for a period, not to exceed 180 days, the time during which no strike or lockout will be permitted. In the measure as reported, the President is given discretion to invoke this new authority. He is also given discretion as to whether he wishes to break that 180-day period up into one or more segments, but in no event may the period exceed 180 days. Roughly speaking, this would result in the authority expiring about the 1st of February of next year.

The resolution then gives the President permissive, not mandatory, authority to appoint a special airline dispute board, which shall attempt to mediate the dispute between the parties. It also provides that any wage settlement eventually entered into should be retroactive to January 1, 1966.

Section 6 of the joint resolution provides that if, prior to the settlement of the present dispute between the five airline carriers and their employees, a dispute affecting any other air carrier, such as American Airlines, shall in the judgment of the President threaten substantially to interrupt interstate commerce, the President can by Executive order include such an airline and its employees in the directive forbidding a strike or lockout for a period short of the 180 days.

Injunctive relief is provided by the resolution, and the provisions of the Norris-La Guardia Act are waived.

Those are the essential provisions of the committee measure. I shall now briefly explain the background which resulted in this proposed legislation having been brought to the floor of the Senate.

The five airlines to which I have referred represent more than 60 percent of the domestic trunkline air industry, as measured in passenger miles. The International Association of Machinists represents some 35,000 employees who are on strike. Those employees are primarily mechanics, ramp and store, flight kitchen, dining service, plant protection, and related classification employees.

The controversy with which we are dealing began on August 9—almost a year ago—when an agreement was entered into between the carriers and their employees establishing a procedure for joint negotiations between the five airlines and the employees of each airline.

I shall not dwell on the intricate negotiations which ensued. The National Mediation Board attempted to mediate the dispute. On March 18 last, it proffered arbitration, as authorized by section 8 of the Railway Labor Act. The carriers accepted arbitration; the union rejected it.

Then, on April 21 of this year, it being apparent that the parties were nowhere near a settlement, the President, pursuant to the provisions of section 10 of the Railway Labor Act, created an emergency board, and the union withdrew a strike notice which it had theretofore issued.

Under section 10, no strike or lockout was permitted for 60 days after the Presidential action in appointing the board. Note well that it was the President, and not Congress, who triggered the 60-day order requiring the men to stay at work. He did so because he found, in the words of the Railway Labor Act, that the strike "threatened substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Thus, the President last April made a finding on his own that a condition existed which, under present law, required him to keep the men at work.

He made the same finding 3 or 4 days ago when the American Airlines strike was threatened. The President acting in his own discretion has twice within recent months taken action to prevent the men from walking off the job.

The President appointed a distinguished Board of three, chaired by our colleague, Senator WAYNE MORSE, of Oregon. The other members were David Ginsburg, an extremely competent lawyer from Washington, and Richard Neustadt, a well-known professor of government at Harvard University who also served President Kennedy with distinction.

The Board filed its report with the President on June 5.

In my opinion the Senator from Oregon and his colleagues did an outstanding and statesmanlike job in making a comprehensive and incisive report of the issues between the parties, and in recommending terms for a just settlement.

I concur fully in the statement with respect to the report made by the President when he said:

> The recommendations of the Board reflect the highest order of judgment, imagination, and wisdom.
>
> Those recommendations form the framework for a just and prompt settlement, which is in the national interest.

The union rejected the report. The carriers accepted it as the basis for negotiation.

On July 8 the union called a strike and the men left their jobs. They are still out today, on August 2, almost a month later.

The process of collective bargaining, so much respected by all of us as a basic precept—a basic right, if you will—in management-labor affairs has thus been operating since August of last year including the month since the strike started.

On July 22, the senior Senator from Oregon [Mr. MORSE], the Chairman of the Emergency Board—and one of the most competent and skilled labor mediators and arbitrators in the country today, and certainly the most skillful one among our membership—offered a resolution, Senate Joint Resolution 181, which was referred to the Committee on Labor and Public Welfare for consideration.

A number of other resolutions most of them authored by our Republican friends were also referred to the Committee on Labor and Public Welfare. Some called for compulsory arbitration.

The Committee on Labor and Public Welfare determined to hold a 1-day hearing to explore the desirability of reporting legislation to the Senate. That hearing was held on July 27. Witnesses were the Secretary of Labor, W. Willard Wirtz, Mr. Curtin, representing the five carriers, and Mr. Siemiller, representing the Machinists Union.

Yesterday morning, in view of other critical developments, Secretary Wirtz came back and was examined by members of the committee for the better part of 3 hours. At the hearing a number of matters were clarified, while others were not.

There has been a great deal of talk in Congress and in the press as to whether a national emergency exists which justifies congressional intervention in this dispute.

The phrase "national emergency" comes from the Taft-Hartley Act and has reference to a condition in which the national health and welfare are adversely affected by a labor dispute so that the national security is involved.

An important point to make is that the question of whether a national emergency exists has nothing whatever to do with whether the Senate should presently act. The airlines are not under the Taft-Hartley Act, but are under the Railway Labor Act. The test for intervention under the Railway Labor Act is not whether there is a national emergency which threatens the health and safety of the country, but whether the labor dispute, strike or lockout, threatens to interrupt substantially interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Secretary Wirtz testified that no national emergency existed, and he gave some persuasive statistics to cause most of us on the committee to concur in his judgment. For example, of the travel in interstate commerce today, 94 percent of it is by other than aircraft. That traffic has not been interrupted—89.5 percent of the travel was by automobile, including truck—2.6 percent was by bus. Two percent was by railroads, and only 5.9 percent was by domestic air carriers. Those are the figures for passenger interstate travel.

With regard to freight, less than one-tenth of 1 percent of all domestic intercity freight traveled by air.

In my judgment one cannot fail to conclude, that disruption of the relatively small amount of air traffic does not constitute a national emergency threatening the health and safety of the people of this country, or indeed threatening the national security.

It was alleged by at least one member of the committee—and he had some telegrams from his own State to support him—that the strike was impeding the war effort in Vietnam and that essential material and transportation of military personnel were being slowed down thus endangering the military effort. Secretary Wirtz was very clear that this is not so. I read from his prepared statement before the committee, under the heading "The Military Program":

> The Department of Defense reports little direct impact upon the movement of military personnel, except for those service personnel traveling on leave status.

At the inception of the strike arrangements were made through the Department of Labor, in cooperation with officials of the Machinists Union, to provide for the orderly and expeditious clearance of all commercial charter flights requested by the Department of Defense. As a result, group movements of military personnel have been accomplished with little delay and in numbers comparable to those transported by commercial air carriers before the strike began.

The Defense Department, speaking through the Secretary of Labor, made no complaint about the strike so far as his operations were concerned.

Thus, the committee had no hesitation in accepting the position of Secretary Wirtz that there was not a national emergency which would threaten the health and safety of the counry. However, the Secretary testified that if the strike continued indefinitely, conditions might change. He said that there is an ever-present threat that if the strike continues indefinitely, a national emergency might well occur.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in one moment.

The Secretary said:

We are confronted with a serious, substantial adverse impact on the national interest, an impact which, however, has not yet brought the country to an emergency stage. However, any prolongation of the current strike, by increasing the strain on existing services, and by multiplying the current delays and inconveniences may well bring the Nation to that crisis, emergency stage.

I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I was just wondering what Secretary Wirtz meant by the term "indefinitely." How long does it take to reach "indefinitely"? I indicate that "indefinitely" might be reached about the second week in November.

Mr. CLARK. He was very careful not to get into that.

May I say that I recognize the implications of the question of the Senator from Vermont; but I will tell him, perfectly candidly and honestly, that there is not a shadow of a doubt that politics is playing a very real but hidden part in this whole matter. For myself, I do not intend to bring that political matter to the surface. I shall be glad to respond to my friend, the Senator from Vermont, if he should like me to do so.

Mr. AIKEN. I would fully agree with my colleague from Pennsylvania, except in one respect: It is not so hidden. I believe it is pretty well in the open.

Mr. CLARK. I wish to say to the Senator from Vermont that in the last 24 hours it has tended to surface.

I shall finish the emergency aspect by pointing out that in the report, which is on the desk of all Senators, the question was asked of Secretary Wirtz as to whether an emergency exists which threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service.

He answered this question with a categorical "Yes."

I believe it is fair to say that all members of the committee, except one, showed by their votes on the various proposals that in their opinion there was a sufficient interruption to interstate commerce to justify congressional action.

The problem which confronts us today is what sort of acceptable compromise could be brought forward between widely varying views both within the Committee on Labor and Public Welfare and on the floor of the Senate.

I may say that some Senators on the Committee on Labor and Public Welfare, and perhaps more on the floor are, in my opinion, likely to vote against any action, because they do not believe the situation sufficiently serious. They believe that collective bargaining should be given still more opportunity to work its will, and they are not prepared to endorse congressional action.

On the other hand, I believe that it is equally clear that the overwhelming majority of the members of the Committee on Labor and Public Welfare—Republicans as well as Democrats—are of the view that some form of congressional action is desirable.

I believe that I have given enough basic statistics to make clear that the overwhelming preponderance of the testimony brought forward by the Secretary of Labor and by the representative of the carriers is that there is a serious dislocation of interstate commerce, and that action would be justified.

I wish to point out that ordering men back to work is a serious matter.

It has not been done since 1917, when the Nation was in the throes of World War I. It is true that on several occasions, sometimes congressional but more often Presidential, authority has been exercised to require men to stay on the job. But once they have quit the job and gone out on strike, it has been indeed an extraordinary measure to order them to go back to work.

The joint resolution now before the Senate is one which a substantial majority of the committee felt represented the most appropriate compromise among the varying points of view. I may say that personally, as the floor manager of the joint resolution, I came to that point of view reluctantly. I do not like to support legislation which orders striking men back to work. However, after listening to the testimony, I concluded that the inconvenience to the public was a primary consideration—that inconvenience has now continued for the better part of a month; there is no immediate prospect for a settlement unless Congress acts—therefore, I am prepared to reject the advice of my very good friends in the labor movement not to legislate and to come before the Senate supporting the joint resolution.

What does the joint resolution do? It has been said that it passes the buck to the President. Senators will hear that point adequately argued by the distinguished Senator from Oregon [Mr. MORSE] and others. My own view is that proper governmental action in a case in which Congress concludes that men should be sent back to work within the framework of the Constitution is to have Congress pass authorizing legislation—to give the President some flexibility, some freedom of action, some discretion—to give him the tool that is needed to take that extraordinary action of ordering men back to work. I am prepared to do that.

The controversy is around a narrow point. The overwhelming majority of the committee agrees that congressional action is desirable.

The overwhelming majority of the committee agrees that legislation should be passed which would get the men back to work for a relatively short period. In this instance, we are all in accord that the period should not exceed 180 days. The major difference between us is whether Congress should order the men back to work or whether, as I prefer, Congress should authorize the President to send them back to work if he feels that is in the best interest of the Nation and that collective bargaining no longer offers a viable route to a reasonable and speedy settlement.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. CLARK. I am very happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator from Pennsylvania has stated that the proposed action is more or less unprecedented and that the only other instance in which people have been ordered back to work was in 1917. Who issued the order at that time?

Mr. CLARK. My recollection is not very clear. As I recall, it was joint action with the President. The Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, who is well versed in these affairs, tells me that that is correct.

Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The galleries will be in order.

Mr. CLARK. Mr. President, one might summarize this matter by saying that there are some members of the committee, and no doubt there are some Members of the Senate, who do not want any legislation at all because they think that the process of free collective bargaining should be permitted to continue until such time as a real national emergency exists. Some Members of the Senate would have us act right now, pass compulsory arbitration, send the men back to work and keep them there subject to the determination of a compulsory arbitration board. The overwhelming majority of the members of the committee and, I think, the overwhelming majority of the Members of the Senate, believe that action should be taken which would make it possible to send the workers back to their jobs. A large majority of the committee is of the view that this action should be triggered by the President based on a congressional authorization. A minority of the committee felt that the Congress should take full responsibility, leaving no discretion to the President.

I am telling no tales out of school when I say I am confident that the White House wants the Congress to take the whole responsibility. This is not acceptable to me, although it may be acceptable to a majority of the Senate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from New Hampshire [Mr. COTTON].

Mr. COTTON. Mr. President, I merely wish to ask the distinguished Senator from Pennsylvania [Mr. CLARK] this question. The Senator has just stated that the resolution which he is sponsoring requires authority from the Congress to be triggered by action by the Executive.

Mr. CLARK. The Senator is correct. The President has the discretion if he wants to use it.

Mr. COTTON. Mr. President, I notice in the report the use of the word "may." It says that the President "may" at the same time create a special board for arbitration.

Mr. CLARK. A Special Airline Dispute Board for Mediation.

Mr. COTTON. Do I gather from the use of that sentence in the report that the resolution which the distinguished Senator from Pennsylvania [Mr. CLARK] is now presenting permits the President to order men back to work, and not—as is now provided in the existing law—at the same time create any special machinery to try to arbitrate the differences.

Mr. CLARK. I shall state the answer this way to my friend, the Senator from New Hampshire [Mr. COTTON], who is essentially correct in what he says. There has already been intervention by the National Mediation Board, which is a permanent board. They are standing by, ready, willing, and able to get back into the matter again.

There has been a report by a three-man board chaired by the distinguished Senator from Oregon [Mr. MORSE], which explored this situation in depth and submitted an excellent report.

The reason we use "may" instead of "shall" in the act is that some of us felt we had enough boards and studies of the matter. However, a good many members of the committee sought the format of the Railway Labor Act, and we put in authority for a board, but we made it permissive.

Mr. COTTON. The main purpose of my raising the question at this time is we on the Committee on Commerce went through a similar situation, as the Senator knows, several years ago. At that time, I well remember, we were called to the White House. Other Senators who are here were present when the late President Kennedy specifically said he had exhausted, as President Johnson has exhausted, his powers under the Railway Labor Act, and that he was reluctantly asking the Congress to give him more powers to avert a strike.

Mr. CLARK. To give him more power?

Mr. COTTON. That is correct.

Mr. CLARK. He did not want the Congress to take the whole responsibility.

Mr. COTTON. No.

Mr. CLARK. There is a great difference in this instance.

Mr. COTTON. He was fully prepared to go ahead and assume his responsibility. He wanted the power with which to do it.

I also seem to remember—I hope I am accurate in my recollection—that President Kennedy, even in that first informal discussion, emphasized that he was extremely reluctant to resort to even temporary compulsory arbitration, but that he also felt that any order issued by the President based on authority granted him by the Congress should be clearly based on a situation of continuing efforts to reach an agreement, which is the primary purpose at all times. For that reason, it is my recollection that he suggested, and there was provided in the measure which we eventually passed, first, that Congress granted the power to the President, and second, that at that time when the President exercised it he either designate a new board or in some way specifically authorize, encourage, or require further arbitration of those questions that had not been resolved.

In that case, of course, there was a separation of questions resolved and questions not resolved which is not true in this case.

Mr. CLARK. I ask the Senator if in that instance—my recollection is hazy—the legislation provided for compulsory arbitration?

Mr. COTTON. It provided temporary compulsory arbitration. It authorized the laying down of rules that should be in effect for not more than 2 years; provided that further negotiations and attempts to arbitrate should proceed during those 2 years, that temporary rules regarding the firemen and the crew concept, and other matters in dispute, should continue in arbitration. It provided that no strike should take place for a period of 2 years, while the negotiations would continue.

Mr. CLARK. Let me say to my good friend from New Hampshire that the pending bill does exactly what the Senator said, with two exceptions. One, the period is 180 days instead of 2 years; second, there is no compulsory arbitration feature but merely a continuation of mediation.

From my own point of view, I believe that this is sound and temperate legislation. I, for one, am not prepared, yet, to go to compulsory arbitration and shall oppose any amendment brought up today to provide for compulsory arbitration. I do not believe that we have had anything like enough testimony—we had only a 1-day hearing—to justify such action. Also, in my opinion, if the pending legislation is enacted into law in its present form, there is the high probability that the strike will soon be settled. I would be reluctant to go to compulsory arbitration, yet I know that some Senators on the Senator's side of the aisle feel differently.

Mr. COTTON. Well, let me make it very clear that I do not believe that we should proceed to compulsory arbitration at this time. We did it, as President Kennedy suggested. He suggested it with extreme reluctance. We did it with extreme reluctance. But the two situations are not comparable at all to the present one. At that time there had been long-drawn-out negotiations and disagreement over a long period of years.

I should like to make clear at this time that I feel, as the Senator from Pennsylvania does, that this authority should be given to the President by Congress. Congress should never place itself in a position of ordering men back to work. Once the door is opened to ordering men back to work by congressional action, Congress will have opened up a Pandora's box and will be constantly settling strikes. Such action as we may take—if we take any—should be triggered by the President.

It may well be wise to consider whether the President should not at the same time create additional or new machinery to handle the emergency, the old Board having failed. On the matter of the length of time, I feel that 6 months is altogether too long for such action and that we should give the President the power for 30 or 60 days, and then renewed power. But it should be exercised by him at his discretion in the manner he sees fit, because he is the Executive, we are only the legislative. The people of this country by an overwhelming majority, have designated the President to act. They have only designated Congress to give the power to him.

Mr. CLARK. I could not agree more with my friend, the Senator from New Hampshire. I wish the Senator would allow me to make this statement. There is strong sentiment to support the 30, 60, or 90-day period which the Senator from New Hampshire has indicated. For myself, I was originally a proponent of the 30 or 60-day period. It was in the original measure. However, at the urging of the Secretary of Labor, who indicated he represented the administration, and in view of the fact that there will be a number of other labor disputes coming up in the next 6 months, I was persuaded—and a majority of my colleagues agreed—to take out the 30, 60, 90-day periods and put in a period which should not exceed 180 days, and leave it up to the President as to whether he wanted to order the men back to work for 30 days, 60 days, 90 days, or whether he wants to order them back, in the first instance, for 180 days. In that regard, I think the Senator from New Hampshire and I are in substantial accord.

Mr. SIMPSON and Mr. PASTORE addressed the Chair.

Mr. CLARK. I have promised to yield to the Senator from Wyoming, and then I shall be happy to yield to the Senator from Rhode Island.

Mr. SIMPSON. Upon coming into the Chamber, I was interested to hear the Senator from Pennsylvania say that the President refused to accept the responsibility for ordering the men back to work.

Mr. CLARK. That is putting it a little strong. I do not want to misrepresent the situation.

Mr. SIMPSON. I do not intend to put words in the Senator's mouth. That is what my understanding was as to what the President had said.

Mr. CLARK. I believe what the President has clearly indicated, informally, is that if there should be legislation—may I point out that he has not recommended legislation, nor has he recommended against legislation—he would very much prefer not to be given any discretion. He would rather have Congress make a blanket determination that the men shall go back for as long as 180 days, unless a settlement is achieved before that time has expired.

Mr. SIMPSON. Did the President indicate to the Senator from Pennsylvania his reasons for not wishing to take that responsibility?

Mr. CLARK. I have not had the privilege of direct communication with the President. I am afraid my conversations with his representatives must remain privileged. I regret that I cannot answer my good friend, the Senator from Wyoming.

Mr. SIMPSON. Let me ask the Senator, does he realize that the President was quite eager to accept the plaudits of the country for having settled the strike the other day—prematurely though it was, such a statement was made—and I was wondering whether the Senator from Pennsylvania would suggest to the President that we adopt a resolution asking for his reasons for not wanting to accept the responsibility?

Mr. CLARK. Let me say to the Senator that—I want to be very careful in what I say—Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. CLARK. Would the Senator mind repeating his question. With the noise in the Chamber I could not grasp what the Senator was saying.

Mr. SIMPSON. Would the Senator from Pennsylvania be willing to suggest to the President that we adopt a resolution that would ask the President of the United States to give us his reasons for not wanting to accept this responsibility?

Mr. CLARK. Let me say to my good friend, the Senator from Wyoming, that Secretary of Labor Wirtz advised us that he came before the committee representing the administration which had decided to have but one spokesman. We thought perhaps we should have before us in committee the Postmaster General, the Secretary of Defense, and the Secretary of Commerce; but the administration decided otherwise. They sent Secretary Wirtz to represent the administration, and he was unwilling to make a recommendation for legislation on behalf of the administration. But he did make it clear, as my good friend from Oregon will attest—if he is in the Chamber, and I see that he is not—quite clear that he preferred the Morse resolution, which would have Congress take the entire responsibility, to the committee resolution, for which I have reluctantly been designated as floor manager.

Mr. SIMPSON. I thank the Senator from Pennsylvania.

Mr. PASTORE and Mr. DOMINICK addressed the Chair.

Mr. CLARK. Mr. President, I have promised to yield to the Senator from Rhode Island, and then I shall be happy to yield to the Senator from Colorado.

Mr. PASTORE. Mr. President, I do quite agree with my colleague from Pennsylvania that under the Constitution, the President is the chief administrative officer. The very character of the admonition, if we can call it that, or the mandate, or the discretionary power, has the character of an administrative function.

Mr. CLARK. Also executive—would not the Senator agree?

Mr. PASTORE. Well, executive, or chief administrative officer. They mean about the same. What I should like to say, as a preface to my observations, is that we must recognize the fact that the President of the United States has played a part in this controversy.

Mr. CLARK. He certainly has. If I may interrupt the Senator from Rhode Island, I forgot to say in my statement that one reason why the Labor and Public Welfare Committee delayed in reporting legislation to the floor is that over the last weekend there was a real possibility of the strike being settled. The President did intervene. He called representatives of the carriers and the union together and helped work out a settlement which all of us hoped would terminate the controversy. Then when the proposed settlement was submitted to the membership, which is required by the constitution of the union, the members of the union rejected the proposed settlement by a vote of about 3 to 1. It was this agreement that the President had played a principal part in getting the representatives of the union and the carriers to agree to.

Mr. PASTORE. The reason why I mention this is that I think we do a great injustice if we were to leave the impression this afternoon, not only on the Members of the Senate, but the country at large, that the President is reluctant to assume his responsibility. I am directing my remarks to the previous statement of the Senator from Wyoming [Mr. SIMPSON], who was rather caustic in his observation that the President was reluctant to do his job as President of the United States. Not so—the President has acted within existing law. He did call the parties to his Office at the White House, which was beyond the call of duty. The President did make a suggestion—he did get action—and there was a settlement insofar as representatives of both labor and management were concerned.

Afterward, as has been stated, the President was rebuffed by the body of the machinists. They refused, by a vote of 3 to 1, to accept the recommendations. So the President has been a party to this controversy.

I can understand the sensitivity of his exercising discretion at this particular moment. Presidential action might be considered not only unprecedented, but even open to charge of vindictiveness. We should never leave the President in that position, be he a Republican or a Democrat.

A fault I find is that the resolution is again putting the dispute on the doorstep of the President by the language in section 3. The resolution says, "The President may." Why does not the Senator say, "The President is authorized"? Then Congress becomes a party to the legislation. Why not say, "The President of the United States is authorized to do so"?

Mr. CLARK. Is the Senator addressing me or the Senator from Wyoming?

Mr. PASTORE. I am addressing myself to the Members of the Senate. I ask this question of the Senator from Pennsylvania. Why was not the language "The President is hereby authorized" not considered?

Mr. CLARK. If the Senator from Rhode Island wishes to propose that——

Mr. PASTORE. I do not know whether I am going to vote for the resolution. I am asking the question.

Mr. CLARK. I think one reason was that we did not have the wisdom to suggest that better language might be "The President is authorized."

Mr. PASTORE. Under the circumstances, the decision is put on the doorstep of the White House.

Mr. CLARK. Where it belongs.

Mr. PASTORE. We of the Senate are dodging our responsibility. We should authorize the President to do so.

Mr. CLARK. I think the Senator from Rhode Island has, with his usual good sense and eloquence, made a constructive suggestion.

Mr. LAUSCHE. Why should it not be "shall"?

Mr. CLARK. Mr. President, if I may continue my colloquy with the Senator from Rhode Island.

Mr. PASTORE. I think there is good reason for my suggestion.

Mr. CLARK. I have no objection to the word "authorized."

If the Senator from Rhode Island decides to offer a change which will include the word "authorized," I shall take it up with the other members of the committee. However, I think there should be discretion given to the President.

Mr. PASTORE. Will the Senator yield for a statement?

Mr. CLARK. I am glad to yield.

Mr. PASTORE. I think the committee has sharpened our insight into the dispute. A majority, if not all of the committee, has felt that Congress needs to act.

Mr. CLARK. That is correct.

Mr. PASTORE. The only question left to resolve was as to how to do it. Shall Congress order it or shall the President do so?

Mr. CLARK. Or should the President do it as authorized by Congress?

Mr. PASTORE. That is correct.

Mr. CLARK. That is the point.

Mr. PASTORE. When the resolution reads "may," it leaves a great discretion on the President of the United States, in view of his participation. If this were an entirely new matter, we possibly might be said to be engaging in semantics; but, under the circumstances, because the controversy has arisen and because the President has assumed his responsibility, does not the Senator think the approach would be more direct if we, the Congress, said, "The President is authorized"?

Mr. CLARK. I have no objection.

Mr. PASTORE. Rather than say the President "may" or "may not"?

In the resolution it is already stated, in subsection (b) of section (1), that a serious situation exists. Then the resolution continues to say that the President "may" do this. Why do we not either say, "You are authorized to do it," or "You shall do it"? Then we would be standing up and meeting our responsibility as we should.

Mr. CLARK. Let me say to my friend from Rhode Island that I have no objec-

tion to the suggestion he makes. If the Senator will, now or later, get into legislative form such amendment as he desires, I shall be happy to confer with my colleagues on the committee, and see whether, in view of the strong feelings of the Senator from Rhode Island, who has great prestige in this body, they would be prepared to accept his suggestion.

Mr. PASTORE. Will the Senator yield further?

Mr. CLARK. I yield.

Mr. PASTORE. Let me make this suggestion. The Senator has the committee staff here. If members of the committee are amenable to the suggestion and think it would be better for their purposes, why not let the staff do the drafting rather than leaving the responsibility to me. Further I have a committee commitment. I must be at a markup of a bill at 2:30 p.m. The Labor Committee staff is present. It has been over this whole matter. If the suggestion is satisfactory, the staff can do it intelligently and promptly.

Mr. CLARK. I shall be happy to have the staff prepare an amendment, take it to the Senator from Rhode Island to see if it meets with his approval, and confer with my colleagues on the committee. Perhaps then it can be offered and accepted.

Mr. PASTORE. I am sure Senators would look at it more kindly——

Mr. CLARK. That is just what we need.

Mr. PASTORE. If the resolution included language to show that Congress was willing to look earnestly at the situation and was willing to shoulder its responsibility.

Mr. CLARK. Mr. President, I had promised to yield to the Senator from Colorado [Mr. DOMINICK]. I yield to him now, and then I shall be glad to yield to the Senator from Ohio.

Mr. DOMINICK. I should like to ask the Senator from Pennsylvania if it is true that practically every procedure—in fact, every procedure—which exists in the law has been exercised, without success, plus the action of the President in bringing together the representatives, at an unusual hour, either on Friday or Saturday, in an attempt to settle the dispute.

Mr. CLARK. With the exception of the Senator's reference to the hour, the Senator is correct.

Mr. DOMINICK. What we have done in committee by making our finding that there has been a breakdown in essential air transportation simply follows what the President has previously done in appointing the Emergency Board——

Mr. CLARK. Twice.

Mr. DOMINICK. The Secretary of Labor also said this was our business, even though it was not yet an emergency.

Mr. CLARK. That is correct.

Mr. DOMINICK. I am sorry the Senator from Rhode Island [Mr. PASTORE] is not present as I ask this question: How can we, as Members of Congress, based on this background, make a finding such as we have in this dispute, but not do anything about it except send it down to the White House and leave the final decision in the hands of the President? To do so is not, in my judgment, the act of a responsible body.

Mr. CLARK. In my opinion, the Senator's question assumes his answer. His views are well known, and were ably presented to the committee. I think he has not accurately stated the problem.

We are going to do something. As the Senator has said, all legal authority has expired; the President is powerless to do anything unless he is given new authority by Congress.

I propose, for my part, to give him that new authority; but, having given it to him, I do not favor directing him to use it. I think he has a right to exercise his own judgment in the matter.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. I am happy to yield.

Mr. DOMINICK. It strikes me that perhaps in this debate—and I ask the Senator's comment on this point—we are overlooking something. The reason an emergency board is established, the reason we have these procedures in the law, is to try to protect the general public from getting caught in the middle of a labor-management fight.

Mr. CLARK. The Senator is correct.

Mr. DOMINICK. That is exactly what has happened to the public in the current situation. The public is caught in the middle of just such a dispute. And it seems to me that we, as representatives of the people, should take our own responsible action to make sure that the public can be relieved of this burden. They are caught in the middle without any involvement of their own.

Mr. CLARK. The Senator made clear that point of view very eloquently before the committee, as he is now making it on the floor.

I am perhaps inhibited by the fact that my discipline is the law. I was trained in the law, and was brought up to believe that within the concept of the Federal Constitution, it is the duty of Congress to legislate and of the President to execute and to administer. I think it is in accordance with that strong constitutional principle of the separation of powers that we should authorize and he should act. It is the duty of the President to see to it that the laws are executed. I think we should give him the authority.

Mr. DOMINICK. May I say for the record that I have always regretted that I did not have the opportunity of debating in a court of law with the Senator from Pennsylvania, because I am trained in the law myself.

Mr. CLARK. I am sure that the Senator, with his great eloquence, would have had the advantage.

Mr. DOMINICK. I cannot see for the life of me why we should say that because the President has the executive authority, there is something executive about what we do if we seek to preserve the status quo of the parties, as a court of law would do, and then say to the National Mediation Service, "Work out an agreement of some kind."

Mr. CLARK. I can only disagree again, as I have for the last 5 days in committee, with my friend from Colorado, by making this one last point. I think the difference in our points of view is pretty well sharpened now.

This is a gray area. There is nothing very clear about it. I am sure some Senators will vote against taking any action at all. These are reasonable men who will vote against any action. I do not happen to agree with them, but this is a situation where one could make a good case for not exercising the authority I hope Congress will give the President, but for allowing the collective bargaining process to continue. The public is inconvenienced, but there is not a national emergency. Perhaps if I were sitting in the White House, with all the pressures and responsibilities of that job, I would say, "No, instead of ordering them back to work, I am going to call these fellows back in again, and we will see if we can work it out."

There are many people in this country who believe that the right of collective bargaining is a very precious right, and any congressional attempt to diminish that right is looked upon with grave disfavor.

I believe that the President should have the opportunity to weigh whether he wants to take any action, or whether he wants to send them back for 60, 90, or 180 days. Those, in my judgment, are Executive, and not legislative, functions and responsibilities.

Mr. DOMINICK. Will the Senator yield further?

Mr. CLARK. Yes, indeed.

Mr. DOMINICK. I think we are faced here with a problem which encompasses more than just this one dispute. What we are doing is taking action in a case of a dispute which has not been settled, and we say we are placing the final settlement in the hands of the President.

Mr. CLARK. Under congressional authority.

Mr. DOMINICK. Under congressional authority.

Mr. CLARK. As of today, he could not do a thing.

Mr. DOMINICK. That is right. And all that Congress is doing in the process is to say, "We are going to extend the cooling off period. We are not injecting ourselves into the general collective bargaining by determining the rights between the parties in any way whatsoever." We are saying, "We will extend the cooling off period, and we hope they will negotiate in the process."

Mr. CLARK. And go back to work during this time.

Mr. DOMINICK. And if we put them back to work in the meantime—and by "we" I mean the U.S. Senate—then we have settled this from the point of view of the public, and they can continue their negotiations under the National Mediation Board, just as they have been doing all along.

If we do not do this, sooner or later, it seems to me, every dispute will end up in the White House; and I cannot conceive of a fate that would be worse for any President, I do not care who he is.

Mr. CLARK. Let me say to my good friend from Colorado, I would rather have it end up in the White House than

in the Halls of Congress, where we have 100 Senators and 435 Representatives.

I yield now to the Senator from Ohio, and then to the Senator from New York.

Mr. LAUSCHE. The purpose of my questions will be to acquire information dealing with the differences between the language used in the Morse amendment and that contained in the joint resolution now before the Senate.

Mr. CLARK. I wish that the Senator from Oregon were present. I shall do my best to represent fairly his point of view. Perhaps some other of the members of the committee—mostly the Republicans—would be willing to pick me up if they think I am not being fair.

Mr. LAUSCHE. Am I correct in my understanding that the measure before the Senate uses the permissive word "may" in requesting or suggesting what the President may do in pursuance of the provisions of the joint resolution?

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. It does not order him, anywhere in the resolution, to take specific action?

Mr. CLARK. It does not. Neither does the Morse proposal.

Mr. LAUSCHE. Right. I have before me the Morse amendment, and I therefore can speak about its language.

The Morse amendment says that the President shall, at the earliest possible date, appoint a special airline dispute board.

Mr. CLARK. Let me interrupt the Senator from Ohio to say that that action would come after Congress had ordered the men back to work, and only after Congress had taken the sole responsibility, without any intervention by the President, to order the men back to work.

Once Congress has ordered them back to work, then Congress orders the President to appoint the board.

Mr. LAUSCHE. Where is the language in the joint resolution where Congress orders the men back to work?

Mr. CLARK. My staff tells me it is section 2.

Mr. LAUSCHE. "Section 2: The period of time provided for in section D of the Railway Labor Act, paragraph 3"——

Mr. CLARK. May I interrupt my friend from Ohio to say that I am afraid he is reading from an obsolete version of the Morse amendment? Here is a copy of the current Morse proposal.

Mr. LAUSCHE. "The President shall appoint a special airline dispute board"—that is mandatory language.

Mr. CLARK. Yes.

Mr. LAUSCHE. Section 2 provides:

> For a period of 180 days effective immediately the provisions of section 10, paragraph 3, of the Railway Labor Act shall apply and no change, except by agreement, shall be made by the parties.

Does the Railway Labor Act provide for a mandatory return to work?

Mr. CLARK. No; it does not, and I think it is important to get that clear. There is nothing in the Railway Labor Act which would authorize sending men on strike back to work. All the Railway Labor Act says is that if the President finds a substantial interruption of interstate commerce, then he has the authority to prevent a strike or lockout. But there is nothing in there about his sending men back to work once there is a strike.

Mr. LAUSCHE. Right. The language that the Senator from Pennsylvania specifically refers to is, I think:

> During said period of time none of the parties to the controversy, or affiliates of such parties, shall engage in—

Mr. CLARK. Strikes or lockouts.

Mr. LAUSCHE (continuing):

> or continue any strike or lockout.

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE. That would mean that the return to work of the men who are now on strike would be under a mandatory order adopted by Congress.

Mr. CLARK. That is correct.

Mr. LAUSCHE. The subsequent proceedings, after they had returned to work, would be under the permissive language suggested for the President.

Mr. CLARK. Mr. President, I am not clear as to whether I understand my friend, the Senator from Ohio, but let me try to clarify it.

Under the Morse language, the Congress would order the men back to work and order the President to appoint the board.

Under the pending committee resolution, Congress would authorize the President in his discretion to send the men back to work. It would further authorize him in his discretion to appoint the board.

The commitee bill authorizes the President to order the men back to work and also authorizes him to appoint the board. He does not have to do either.

Under the Morse bill, Congress says to the President: "We are in charge of this show. Men, go back to work."

Having made that determination, Congress says: "Men, you are now back at work. President, appoint the board."

Mr. LAUSCHE. I understand, but if we want to settle the dispute, if it does affect the national interest, why should we not use language in the bill that would make mandatory the performance of these deeds which seemingly are needed to bring the dispute to an end? Why should it be permissive? I now return to what the Senator from Rhode Island said. The Senator from Pennsylvania said that he would agree to substitute the word "authorize" for "may."

Mr. CLARK. But not "shall."

Mr. LAUSCHE. Why not "shall"?

Mr. CLARK. I have tried to explain that at considerable length. If the Senator from Ohio wants me to try again, I shall.

Mr. LAUSCHE. That is not necessary. Is it because the Senate does not want to order the President to do a thing, or is it because he feels that the potato should be put in the lap of the President?

Mr. CLARK. I do not know about potatoes.

Mr. LAUSCHE. It is a hot one.

Mr. CLARK. It certainly is.

Mr. LAUSCHE. Should we not both be willing to assume the responsibility?

Mr. CLARK. I think not—in those terms.

Mr. LAUSCHE. I cannot agree. I think it is an abdication of responsibility when the President says we both should not assume the responsibility, that it should lie only in the office of the President. I think it is not fair. I think it is not just, and I do not subscribe to it.

Mr. CLARK. The Senator is entitled to his interpretation.

Mr. LAUSCHE. The Senator from Pennsylvania made the point that I wanted to make. He said, in effect, we should put the hot potato in the lap of the President. I do not think that is right.

Mr. CLARK. The Senator is entitled to his interpretation.

I yield to the Senator from New York.

Mr. KENNEDY of New York. Perhaps that is the conclusion that a majority of the Committee on Labor and Public Welfare reached.

Mr. CLARK. Does the Senator refer to what the Senator from Ohio said?

Mr. LAUSCHE. I did not say it. The Senator from Pennsylvania said it.

Mr. KENNEDY of New York. If this were merely an effort by the Committee on Labor and Public Welfare to place this problem completely in the lap of the President of the United States, I do not think that we would be debating any legislation today.

Mr. CLARK. I think the Senator is correct.

Mr. KENNEDY of New York. Is it not correct that the majority of the committee recommended that some legislation be passed by Congress?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And is it not correct also that we are therefore willing to take our share of the responsibility and make some findings and take some action in an effort to deal with the strike?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is it not also correct at the present time that the Secretary of Labor came before the Committee on Labor and Public Welfare and said that there is not a national emergency existing in the United States?

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. And has the Secretary of Labor not also been asked, in view of the present circumstances and the effect that the strike is having on the United States, whether he felt that legislation was important at this time?

Mr. CLARK. He was, and specifically by the Senator from New York.

Mr. KENNEDY of New York. He was also asked by a number of other Senators. Did not the Secretary of Labor say that he could not give Congress any advice as to whether any legislation was needed at the present time?

Mr. CLARK. The Senator is correct. I think we should have a little emphasis on the words "could not," because I have the feeling that he would like to do so but did not have authority.

Mr. KENNEDY of New York. The Secretary of Labor was the sole witness on that day.

Mr. CLARK. He was, and he said that he represented the entire administration.

Mr. KENNEDY of New York. All members of the committee recognized

that the enactment of legislation would be a very major step for Congress to take.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognized that this has not been done before in circumstances of this kind.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. The last time that men had been sent back to work in this manner was in 1917 in a period of extreme crisis for the United States.

Mr. CLARK. My understanding is that it was after the outbreak of World War I.

Mr. KENNEDY of New York. I understand that it was in 1917, but at any rate the members of the administration at that time recognized that this was a most unusual step to take, required by the exigencies of a particular and most severe crisis.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We also recognize that in October and November of this year we may have some major strikes, if collective bargaining does not go well in certain industries where labor contracts are due to expire.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. We could have labor disputes during October and November in the field of communications, and next year in the automobile and rubber industries. These are very important industries in the United States.

Mr. CLARK. The Senator is correct concerning the seriousness of the situation. They are serious enough, but I am optimistic and hope they will not erupt into strikes.

Mr. KENNEDY of New York. My point is that we should be aware that our taking this action might very well be taken by some as a precedent to urge us to take similar action later on. This is only one of the reasons why the taking of this action should be very seriously considered by Congress.

Mr. CLARK. The Senator is correct in his latter point. However, let me call attention to the committee report which makes it clear that the committee does not intend the resolution before the Senate to indicate any precedent with respect to future labor disputes.

Mr. KENNEDY of New York. The Senator referred to the fact that the language at the very beginning of this legislation states: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services."

Mr. CLARK. I wish that the draftsmen of the act had written simpler English. We did use, for technical purposes, the exact language of the Railway Labor Act. The Senator is correct. I interpret these words as meaning that interstate commerce has been seriously interrupted by the strike and that certain sections of the country are now suffering from a loss of essential transportation services. I think that is what it means, and I assume that is what the Senator thinks it means.

Mr. KENNEDY of New York. Let me differentiate that language from the question of whether there is a national emergency in the United States.

I think it is important that the Senate understand that there is a clear differentiation between the use of that language and the existence of a national emergency.

Mr. CLARK. I think that means—and the Senator from New York will tell me if I do not correctly represent his views—that the Taft-Hartley Act standard—a situation threatening the national health and safety, and therefore becoming a national emergency—is a more stringent standard than that of the Railway Labor Act.

Mr. KENNEDY of New York. Is it not correct to say that it was on that basis after the Secretary of Labor had testified before our committee last week, stating that there was not such a national emergency and that such an emergency could not be established, that the committee moved in the direction of relying on the Railway Labor Act instead of the Taft-Hartley Act standard?

Mr. CLARK. It is correct. I believe that the committee, in moving that way, was largely motivated by the original draft of Senate Joint Resolution 181, introduced by the Senator from Oregon [Mr. MORSE], which was based on the language of the Taft-Hartley Act.

After the Senator from Oregon had conferences with the White House and the Department of Labor, he became convinced that the administration was not prepared to testify that those standards had been met, he turned to the less stringent standards.

But we should also remember that the airline industry is not now and never has been under the Taft-Hartley Act, but is under the Railway Labor Act.

Mr. KENNEDY of New York. My point is that there is a difference in the language, and that when we find that the Railway Labor Act test has been met, we have not made a particularly significant finding. The fact is that the Railway Labor Act test, which appears in section 10 of that law, has been resorted to, as the basis for appointment of a Presidential Emergency Board, some 167 times over the period of the last 30 years.

Mr. CLARK. Some of these 167 occasions were not of earth-shaking significance. The Emergency Board of which the Senator from Oregon [Mr. MORSE] was the Chairman was Emergency Board No. 166 and the Board in the American Airlines case is No. 167.

Mr. KENNEDY of New York. The point I wish to make is that the language of section 10 is language of art. The fact that the standard of section 10 is met does not necessarily support extraordinary congressional intervention. Thus, section 10 was invoked when the Rutland Railroad had some labor difficulty; it was used in the case of the Union Railway Co. of Memphis; it was used in the case of the Chicago, North Shore & Milwaukee Railroad; it was used in the case of the Steelton & Highspire Railroad Co.; it was used in the case of the Long Island Rail Road; it was used in the case of the Central of Georgia Railway; it was used in the case of the Erie Railroad Co.; it was used in the case of the Alton Railroad; and in cases involving other individual carriers where the matter was clearly only of local significance, and then not of a paralyzing nature. It has been used, as the Senator from Pennsylvania said, some 167 times.

Mr. CLARK. I am sure the Senator from New York is correct.

Mr. KENNEDY of New York. But the situation confronting us is quite different. The other cases involved strikes, to be sure, and they perhaps had an important effect in particular communities.

But the same language is now used to a much different end in the proposed legislation. This extraordinary legislation will be far reaching and precedent making. Yet it comes on the basis of the administration not finding that a national emergency exists; not finding that the present strike affects the national defense or the movement of defense materiel; and also comes on top of the fact that the administration is not prepared to recommend that Congress pass any legislation.

Would I be correct in thus summarizing the facts?

Mr. CLARK. Yes. I believe the Senator is correct. And I should like to add that it is for that reason that I wish to go slowly. I do not believe we should take the drastic action suggested by the Senator from Oregon.

I believe there is a real question here as to whether or not there ought to be any legislation. I am prepared to vote to extend the present authority to permit an order sending the men back to work. If I were President, I am not sure that I would send them back to work. But I am prepared to go this far, as far as the committee bill goes, but no further.

Mr. KENNEDY of New York. The resolution does not say that we are passing the buck, but that Congress will go on record and vote for legislation which is far reaching. So that the President, at his discretion, when he believes that the national interest dictates it, can put these workers back to work. Is that not what the resolution would do?

Mr. CLARK. The Senator has made a very statesmanlike summary. I agree with him thoroughly. Some Senators like to use the words "pass the buck," "determine on whose doorstep the hot potato shall be laid." I am prepared, if they wish, to meet them on their own ground. But I vastly prefer the statesmanlike way the Senator from New York has put it.

Mr. KENNEDY of New York. I ask unanimous consent to place in the RECORD the Emergency Board index listing the 167 cases in which section 10 of the Railway Labor Act has been invoked. I believe the Senate will be interested in the extreme variations in significance among these cases.

Mr. CLARK. I yield to the Senator from New York for that purpose.

There being no objection, the index was ordered to be printed in the RECORD, as follows:

Emergency board index

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
1	Western Pacific RR. Co.; Sacramento Northern Ry.; Tidewater Southern Ry.	BLE, BLF & E, ORC, BRT	May 21, 1936	G. Stanleigh Arnold, chairman; Will J. French, Macy Nicholson.	June 15, 1936	A-136, A-189, A-202, A-221.
2	Chicago Great Western RR. Co	BLE, BLF & E, ORT, BRT, SUNA	Feb. 8, 1937	John P. Devaney, chairman; Walter C. Clephane, Harry A. Millis.	Mar. 7, 1937	
3	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.	BLE, BLF & E, ORC, BRT	Apr. 14, 1937	G. S. Arnold, chairman; Charles Kerr, Dexter M. Keezer.	May 6, 1937	A-336, M-149.
4	Pennsylvania; Long Island; Baltimore & Ohio; Reading; Central RR. of New Jersey; Lehigh Valley; New York Central; New York, New Haven & Hartford; Delaware, Lackawanna & Western; and Erie RR.	BRC, ILA	Apr. 26, 1937	F. M. Swacker, chairman; W. H. Davis, I. L. Sharfman.	May 26, 1937	A-369.
5	Pacific Electric Ry. Co	BRT	Aug. 30, 1937	I. L. Sharfman, Chairman; Dexter M. Keezer, John P. Devaney.	Nov. 28, 1937	A-411.
6	Atchison, Topeka & Santa Fe Ry. and other class I railroads	18 cooperating labor organizations and BRT.	Sept. 27, 1938	Walter P. Stacy, Chairman; James M. Landis, Harry A. Millis.	Oct. 29, 1938	A-529, A-530.
7	Railway Express Agency, Inc	BRC	July 10, 1940	John P. Devaney, Chairman; Dexter M. Keezer, Harry A. Millis.	Aug. 2, 1940	A-801.
8	The Rutland RR. Co	15 organizations	Feb. 14, 1941	I. L. Sharfman, Chairman; Walter C. Clephane, Ordway Tead.	Mar. 10, 1941	A-577.
9	The Duluth, Missaabe & Iron Range Ry. Co. et al	BRC	May 9, 1941	G. Stanleigh Arnold, Chairman; William H. Tschappat, Arthur E. Whittemore.	June 6, 1941	A-867.
10	The Atlanta, Birmingham & Coast RR. Co	B.L.F. & E., BRT	May 16, 1941	George W. Stocking, Chairman; Huston Thompson, H. S. Hawkins.	do	A-896.
11	Certain common carriers by rail	5 transportation brotherhoods, 14 cooperating organizations.	Sept. 10, 1941	WAYNE L. MORSE, chairman; Thomas Reed Powell, James C. Bonbright, Joseph H. Willits, Huston Thompson.	Nov. 5, 1941	A-1000, A-1001.
12	Railway Express Agency	IBT	Nov. 7, 1941	Royal A. Stone, chairman; William H. Tschappat, Matthew Page Andrews.	Nov. 17, 1941	A-1071.
13	Union Ry. Co. (Memphis, Tenn.)	BLF & E., BRT	Sept. 20, 1944	Frank M. Swacker, chairman; Walter C. Clephane, John A. Lapp.	Sept. 29, 1944	
14	Chicago, North Shore & Milwaukee RR. Co. et al	BLF & E, BRT	Sept. 19, 1944	H. B. Rudolph, chairman; W. H. Spencer, Ernest M. Tipton.	Oct. 4, 1944	
15	Bingham & Garfield Ry	BLF & E	Nov. 14, 1944	Richard F. Mitchell, chairman; Walter C. Clephane, A. G. Crane.	Nov. 25, 1944	
16	Steelton & Highspire RR. Co	BLF & E, BRT	Dec. 12, 1944	I. L. Sharfman, chairman; Leif Erickson, Grady Lewis.	Dec. 30, 1944	
17	Seaboard Air Line Ry. Co	BLF & E, BLE	Dec. 15, 1944	Huston Thompson, chairman; David J. Lewis, William H. Tschappat.	Jan. 17, 1945	
18	The Kentucky & Indiana Terminal	BRT	Feb. 6, 1945	Ernest M. Tipton, Chairman; H. S. Hawkins, Arthur E. Whittemore.	Feb. 20, 1945	
19	The Central of Georgia Co	BRT	Feb. 8, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Russell Wolfe.	Feb. 24, 1945	
20	Des Moines and Central Iowa	BLE, BRT	Mar. 7, 1945	H. Nathan Swain, Chairman; John W. Yeager, Grady Lewis.	Mar. 28, 1945	
21	The Denver & Rio Grande Western Co	BLE, BLF & E, ORC, SUNA, BRT	Mar. 8, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Russell Wolfe.	Mar. 29, 1945	
22	Missouri Pacific Co	BLF & E	Apr. 7, 1945	H. Nathan Swain, Chairman; Leif Erickson, Robert W. Woolley.	May 5, 1945	
23	Colorado & Wyoming Co	BLF & E, BRT	May 18, 1945	H. Nathan Swain, Chairman; Ridgely P. Melvin, Eugene L. Pudberg.	June 7, 1945	
24	River Terminal Ry. Co	BLE, BRT	May 22, 1945	Richard F. Mitchell, Chairman; Roger I. McDonough, Robert W. Woolley.	June 13, 1945	
25	The Illinois Central RR. Co	BLF & E	May 25, 1945	Huston Thompson, Chairman; Grady Lewis, Curtis G. Shake.	July 24, 1945	
26	Georgia & Florida RR	BLE, BLF & E, ORC of America, BRT.	June 16, 1945	James P. Hughes, Chairman; Russell Wolfe, Eugene L. Padberg.	July 7, 1945	
27	The Erie RR. Co	BRT	June 28, 1945	Leif Erickson, Chairman; Ridgely P. Melvin, Robert G. Simmons.	July 18, 1945	
28	Chicago, North Shore & Milwaukee RR. Co. et al	BLF & E, BRT	July 10, 1945	Roger I. McDonough, Chairman; John W. Yeager, Robert W. Woolley.	July 31, 1945	
29	Railway Express Agency, Inc	IBT	Oct. 10, 1945	H. Nathan Swain, Chairman; Eugene L. Padberg, Henri Burque.	Oct. 31, 1945	
30	Texas & New Orleans RR. Co. and Hospital Association of the Southern Pacific Lines in Texas and Louisiana.	13 railway labor organizations	Dec. 4, 1945	Richard F. Mitchell, Chairman; Ernest M. Tipton, John W. Yeager.	Jan. 5, 1946	
31	St. Louis-San Francisco Ry. Co. and St. Louis, San Francisco & Texas Ry. Co.	BRT	Jan. 5, 1946	Robert G. Simmons, Chairman; Henri A. Burque, Luther W. Youngdahl.	Jan. 24, 1946	
32	Texas & New Orleans RR. Co	BLE, BRT	Mar. 2, 1946	H. Nathan Swain, Chairman; Eugene L. Padberg, Grady Lewis.	Mar. 30, 1946 (extended time to Apr. 10, 1946).	
33	The Alton RR. and other carriers	BLE, BRT	Mar. 8, 1946	Leif Erickson, Chairman; Frank M. Swacker, Gordon S. Watkins.	Apr. 18, 1946	
34	The Chicago, Rock Island & Pacific Ry. Co	BRT	Apr. 19, 1946	Henri A. Burque, Roger I. McDonough, Grady Lewis, Chairman.	May 6, 1946	
35	Railway Express Agency, Inc	BRC, IAM, International Brotherhood Blacksmiths, Drop Forgers & Helpers.	Apr. 24, 1946 (E.O. 9716)	Robert W. Woolley, Chairman; I. L. Sharfman, Leverett Edwards.	May 23, 1946	

36	Transcontinental & Western Air, Inc., and other carriers	ALPA, Intl.	May 7, 1946	George E. Bushnell, chairman, William M. Leiserson, John A. Lapp.	July 8, 1946 (extension of time to July 7, 1946).	A-2219, A-2231, A-2241, through 22-51.
37	Hudson & Manhattan RR. Co.	BLE, BRT	May 29, 1946 (E.O. 9731)	John A. Fitch, chairman, Arthur E. Whittemore, Russell Wolfe.	June 20, 1946	
38	Northwest Airlines, Inc.	IAM	July 3, 1946	Frank H. Swacker, chairman, Lewis Grady, John A. Lapp.	Aug. 7, 1946 (extended 10 days to Aug. 12, 1946).	
39	Denver & Rio Grande Western RR. Co.	BRT	July 10, 1946	John W. Yeager, chairman, Roger I. McDonough, Floyd McGown.	Aug. 14, 1946 (extension of time made between the parties).	A-2350.
40	The Pullman Co.	ORC	July 27, 1946	I. L. Sharfman, chairman, Robert G. Simmons, Walton H. Hamilton.	Aug. 23, 1946	
41	The Long Island RR. Co.	Railroad Workers Industrial Union Division 50, United Mine Workers of America.	Sept. 5, 1946 (E.O. 9770)	Frank M. Swacker, chairman; H. Nathan Swain, Leverett Edwards.	Oct. 11, 1946 (extention of time to Oct. 21, 1946).	
42	Utah Idaho Central RR. Corp.	IAM	Sept. 23, 1946	Richard F. Mitchell, chairman; Norris C. Bakke, Otto S. Beyer.	Oct. 11, 1946	A-2276.
43	The Atlanta & St. Andrews Bay Ry. Co. and other carriers	15 cooperating railway labor organizations.	Oct. 29, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extension of time granted to Dec. 24, 1946).	
44	The Barre & Chelsea RR. Co. and the St. Johnsbury & Lake Champlain RR. Co.	BLE, BLF & E, BRT	Nov. 6, 1946	James H. Wolfe, chairman; Robert E. Stone, Floyd McGown.	Dec. 4, 1946 (extended to Dec. 24, 1946).	
45	Ann Arbor RR. Co.; Grand Trunk Western Railroad Co.; Pere Marquette Ry. Co.; Wabash RR. Co.	National Maritime Union (CIO)	Mar. 28, 1947	Frank M. Swacker, chairman; Harry H. Schwartz, Hugh B. Fouke.	Apr. 21, 1947	A-2455, A-2456, A-2457, A-2458.
46	Bingham & Garfield Ry. Co.	BLF & E, ORC of A	May 16, 1947	H. Nathan Swain, chairman; George E. Bushnell, Joseph L. Miller.	July 16, 1947 (extension of time to July 16, 1947).	
47	Southern Pacific Co. (Pacific Lines); Northwestern Pacific RR. Co.; San Diego & Arizona Eastern Ry. Co.	BLE	July 18, 1947 (E.O. 9172)	Grady Lewis, chairman; Leverett Edwards, Paul A. Dodd.	July 30, 1947	
48	Terminal Railroad Association of St. Louis	BRC	Aug. 6, 1947	Leif Erickson, chairman; Eugene L. Padberg, Andrew Jackson.	Aug. 19, 1947	
49	River Terminal Ry. Co.	BRT	Aug. 1, 1947 (E.O. 9880)	Frank M. Swacker, chairman; Hugh B. Fouke, Sidney St. F. Thaxter.	Aug. 20, 1947	A-2542.
50	Railway Express Agency, Inc.	IBT	Sept. 15, 1947 (E.O. 9891)	Leverett Edwards, chairman; H. Nathan Swain, Norman J. Ware.	Oct. 13, 1947	A-2584.
51	Atlanta & West Point Co.; the Western of Alabama	BLE	Oct. 16, 1947 (E.O. 9899)	Ernest M. Tipton, chairman; Harry H. Schwartz, John T. McCann.	Nov. 1, 1947	A-2661.
52	Railway Express Agency, Inc.	IBT	Oct. 21, 1947 (E.O. 9900)	Arthur S. Meyer, chairman; Frank M. Swacker, Aaron Horvitz.	Jan. 15, 1948 (extension to Dec. 21, 1947) (extension to Jan. 20, 1948).	A-2684.
53	Georgia	BLF & E	Dec. 16, 1947 (E.O. 9910)	Floyd McGown, chairman; John T. McCann, Eugene L. Padberg.	Jan. 20, 1948 (20-day extension to Feb. 4, 1948).	A-2518.
54	Alabama, Tennessee, and Northern Co. and other carriers	17 cooperating railway labor organizations.	Dec. 31, 1947 (E.O. 9918)	Grady Lewis, Hugh B. Fouke, Andrew Jackson.	Jan. 28, 1948	A-2711.
55	Chicago, North Shore & Milwaukee	IU of AA of SE Railway & Motor Coach Employees of America.	Jan. 13, 1948 (E.O. 9922)	Harry H. Schwartz, chairman; Russell Wolfe, Robert E. Stone.	Feb. 14, 1948 (10-day extension of time to Feb. 23, 1948).	A-2693.
56	Akron & Barberton Belt Co.	BRT	Jan. 13, 1948 (E.O. 9923)	Robert W. Woolley, chairman; Huston Thompson, Walter Gellhorn.	Jan. 29, 1948	A-2665.
57	Akron, Canton & Youngstown Co. and other carriers	BLE, BLF & E, SUNA	Jan. 27, 1948 (E.O. 9929)	William M. Leiserson, chairman; George E. Bushnell, William Willard Wirtz.	Mar. 27, 1948 (30-day extension to Mar. 27, 1948).	A-2705.
58	Terminal Railroad Association of St. Louis	BLE, BLF & E, BRT	Mar. 18, 1948 (E.O. 9936)	Frank M. Swacker, chairman; George Cheney, James E. Wolfe.	Apr. 7, 1948	
59	Railway Express Agency, Inc.	IBT	Mar. 25, 1948 (E.O. 9940)	John A. Lapp, Chairman; John T. McCann, John D. Galey.	Mar. 30, 1948	A-2685.
60	Aliquippa & Southern RR. Co.	BRT	Apr. 10, 1948 (E.O. 9948)	Sidney St. F. Thaxter, chairman; Leverett Edwards, Aaron Horvitz.	May 17, 1948 (30-day extension to June 9, 1948).	A-2779.
61	Pennsylvania RR.	BLF & E	Apr. 10, 1948 (E.O. 9947)	Andrew Jackson, chairman; James H. Wolfe, E. Wight Bakke.	June 9, 1948 [1] (30-day extension to June 9, 1948).	A-2791.
62	National Airlines, Inc.	ALPA International, IAM	May 15, 1948 (superseding proclamation June 3, 1948 (E.O. 9958-9965).	Grady Lewis, chairman; Walter V. Schaefer, Curtis W. Roll.	July 9, 1948 [2] (extension to July 30, 1948).	A-2707.
63	Grand Trunk Western RR. Co.; Chesapeake & Ohio Ry. Co.; Wabash RR. Co.; and the Ann Arbor RR. Co.	National Maritime Union of America	June 23, 1948 (E.O. 9971)	Robert G. Simmons, chairman; Joseph L. Miller, Thomas F. Gallagher.	July 20, 1948	A-2801, A-2802, A-2803, A-2804.
64	Pittsburgh & West Virginia Ry. Co.	BRT	Aug. 26, 1948 (E.O. 9991)	John W. Yeager, chairman; John T. McCann, Thomas J. Reynolds.	Sept. 13, 1948	
65	Public Belt RR. Commission of the City of New Orleans	BLF & E, BRT	Sept. 8, 1948 (E.O. 9996)	Harry H. Schwartz, chairman; Floyd McGown, A. Langley Coffey.	Sept. 18, 1948 (supplemental report dated Sept. 23, 1948).	
66	Akron & Barberton Belt RR. Co., et al.	16 cooperating railway labor organizations (nonoperating).	Oct. 18, 1948 (amendment to procedure, Nov. 5, 1948).	William M. Leiserson, chairman; George A. Cook, David L. Cole.	Dec. 17, 1948 (30 day extension to Dec. 17, 1948).	A-2953.
67	Northwest Airlines, Inc.	IAM	Jan. 19, 1949 (E.O. 10029)	Harry H. Schwartz, chairman; Aaron Horvitz, Robert O. Boyd.	Mar. 10, 1949 (30 day extension to Mar. 21, 1949).	A-2913.
68	The Akron, Canton & Youngstown RR. Co. and other carriers	IAM	Jan. 28, 1949 (E.O. 10032)	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Apr. 11, 1949 (45 day extension to Apr. 13, 1949).	A-2920.
69	Denver & Rio Grande Western RR. Co.	SUNA	Feb. 14, 1949 (E.O. 10037)	Frank M. Swacker, Chairman; Leverett Edwards, Adolph E. Wenke.	Mar. 5, 1959	
70	Carriers represented by Eastern, Western & Southeastern carriers Conference Committee.	BLF & E	Feb. 15, 1949	George W. Taylor, Chairman; Grady Lewis, George E. Osborne.	Sept. 19, 1949 (extension of time to Aug. 15, 1949); (extension of time to Sept. 19, 1949).	A-3045.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
71	Wabash RR. Co. and the Ann Arbor RR. Co.	BLE, BLF & E, ORC, BRT	Mar. 15, 1949 (E.O. 10045)	Roger I. McDonough, Chairman; John W. Yeager, Curtis G. Shake.	Aprl 6, 1949	A-3028.
72	Southern Pacific Co. (Pacific Lines)	BLF & E	Mar. 30, 1949 (E.O. 10048)	Harry H. Schwartz, Chairman; Robert O. Boyd, Daniel T. Valdez.	Apr. 29, 1949 [3]	A-3016.
73	Railway Express Agency, Inc.	BRC	Apr. 9, 1949 (E.O. 10050)	David L. Cole, Chairman; Leverett Edwards, Aaron Horvitz.	May 6, 1949	A-3006.
74	Aliquippa & Southern RR. Co.	BRT	Apr. 15, 1949 (E.O. 10051)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	May 18, 1949 (30-day extension to June 15, 1949).	A-3075.
75	Union RR. Co. (Pittsburgh)	BRT	May 12, 1949 (E.O. 10056)	Andrew Jackson, Chairman; Leif Erickson, Elmer T. Bell.	July 29, 1949 (30-day extension to July 11, 1949). (Additional 30-day extension to Aug. 10, 1949 a/c lack funds).	A-3083.
76	Missouri Pacific RR. Co.	BLE, BLF & E, ORC, BRT	July 8, 1949	Curtis G. Shake, Chairman; Floyd McGown, Roger I. McDonough.	Aug. 2, 1949	A-3157.
77	Southern Pacific Co. (Pacific Lines)	BRT	July 20, 1949 (E.O. 10071)	Frank M. Swacker, Chairman; Robert G. Simmons, Leverett Edwards.	Sept. 1, 1949 (30-day extension to Sept, 18, 1949).	A-3085, A-3086.
78	The Monongahela Connecting RR. Co.	BRT	Sept. 9, 1948 (E.O. 10078)	Harry H. Schwartz, Chairman; Francis J. Robertson, Andrew Jackson.	Oct. 7, 1949	A-3220
79	The Denver & Rio Grande Western Co.	BRT	Feb. 4, 1950 (E.O. 10105)	Robert G. Simmons, Robert O. Boyd, Harold R. Korey.	Feb. 28, 1950	A-3065.
80	Texas & Pacific and its subsidiaries including Fort Worth Belt Co. and the Texas Pacific-Missouri Pacific Terminal of New Orleans.	BLE, BLF & E, ORC & BRT	Feb. 10, 1950 (E.O. 10109)	Frank M. Swacker, Chairman; Paul G. Jasper, Thomas F. Gallagher.	Mar. 9, 1950	A-3137, A-3261.
81	Carriers represented by the Eastern, Western, & Southeastern Carriers Conference Committee.	ORC, BRT	Feb. 24, 1950	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	June 15, 1950 (66-day extension to June 1, 1950) (also handled concurrently with E.B.'s No. 83 and 84) (14-day extension to June 15, 1950 due to lengthy hearings and also so that it be submitted simultaneously with E.B. No. 84).	A-3290.
82	Terminal RR. of St. Louis	BLE and BLF & E	Mar. 3, 1950 (E.O. 10114)	Joseph L. Miller, Chairman; A. Langley Coffey, Walter V. Gellhorn.	Apr. 1, 1950	A-3343.
83	Carriers represented by Western Carriers Conference Committee.	SUNA	Mar. 20, 1950 (E.O. 10117)	Roger I. McDonough, Chairman; Mart J. O'Malley, Gordon S. Watkins.	Apr. 18, 1950	A-3332.
84	Carriers represented by the Eastern, Western, Southeastern Carriers Conference Committee.	RYA	Apr. 11, 1950	do	June 15, 1950 (30-day extension to June 11, 1950); (4-day extension to June 15, 1950).	A-3330.
85	Chicago & Illinois Midland Ry. Co.	BRT	Apr. 26, 1950 (E.O. 10125)	Andrew Jackson, Chairman; Harry H. Schwartz, Joseph S. Kane.	May 19, 1950	A-3381.
86	Boston & Albany RR. Co.	BRT	June 6, 1950 (E.O. 10130)	Andrew Jackson, Chairman; Paul G. Jasper, George W. Stocking.	July 6, 1950	A-3392.
87 88 & 88A	Toledo Lakefront Dock Co. Toledo, Lorain & Fairport Dock Co.	ILA Local 158 AFL	July 3, 1950 (E.O. 10138 and 10139).	Robert G. Simmons, chairman, Joseph L. Miller, Dudley E. Whiting.	Aug. 11, 1950 (30 day extension to Sept. 1, 1950).	A-3380.
89	The Pullman Co.	ORC	July 6, 1950 (E.O. 10140)	Ernest M. Tipton, chairman, I. L. Sharfman, Angus Munro.[4]	Nov. 3, 1950 (30 day extention to Sept. 4, 1950) (30 day additional extension to Oct. 4, 1950) (30 days added to Nov. 3, 1950).	A-3300.
90	Braniff Airways, Inc.	BRC	July 12, 1950 (E.O. 10141)	William M. Leiserson, chairman, A. Langley Coffey, Daniel T. Valdes.	Aug. 31, 1950 (20 day extension to Sept. 1, 1950).	A-3149.
91	New York Central RR. Co. lines east of Buffalo	BLE, BLF & E, ORC, BRT	Aug. 4, 1950 (E.O. 10147)	Frank M. Swacker, chairman, Paul G. Jasper, Wayne Quinlan.[4]	Sept. 13, 1950 (30 day extension to Oct. 4, 1950).	A-3419.
92	Atlantic & East Carolina Ry. Co. and other carriers	16 cooperating nonoperating labor organizations.	Aug. 11, 1950 (E.O. 10150)	Thomas F. Callagher, chairman, George W. Stocking, Walter Gellhorn.	Sept. 9, 1950	A-3444.
93	Railway Express Agency, Inc.	IBT	Oct. 3, 1950 (E.O. 10165)	Grady Lewis, chairman: William J. Kelley, O.M.I.,[4] Joseph L. Miller.	Nov. 2, 1950	A-3526.
94	American Airlines, Inc.	ALPA	Jan. 13, 1951 (E.O. 10203)	David L. Cole, chairman; Frank P. Douglass,[5] Aaron Horvitz.	May 25, 1951 (30-day extension to Mar. 14, 1951); (30-day extension to Apr. 13, 1951); (30-day extension to May 13, 1951); (15-day extension to May 28, 1951).	A-3255.
95	The Denver & Rio Grande Western RR. Co., including Denver & Salt Lake RR. Co. (under Supervision of Secretary of Army, E.O. 10155).	BLE	Sept. 6, 1951 (E.O. 10285)	Frank P. Douglass, Frank M. Swacker, Robert G. Simmons.	Sept. 19, 1951	A-3563.
96	The Pullman Co.	ORC	Sept. 6, 1951 (E.O. 10286)	Carroll R. Daugherty, Chairman; [6] George Chemey, Andrew Jackson.	Oct. 3, 1951	A-3637.

97	Baltimore & Ohio RR. Co., including Buffalo Division (formerly Buffalo, Rochester & Pittsburgh Ry.) and Buffalo & Susquehanna District. Chicago & North Western Ry. Co., including Chicago, St. Paul, Minneapolis & Omaha Ry., Louisville & Nashville RR. Co., Terminal Railroad Association of St. Louis and all other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees (under supervision of Secretary of Army, E.O. 10155).	BLF & E	Nov. 6, 1951 (E.O. 10303)	Carroll R. Daugherty, Chairman; George Cheney, Andrew Jackson.	Jan. 25, 1952 (20-day extension to Dec. 26, 1951), (20-day additional extension to Jan. 15, 1952), (15-day additional extension to Jan. 30, 1952).	
98	Akron & Barberton Belt RR. Co., and other carriers (under supervision of Secretary of the Army E.O. No. 10155).	17 cooperating labor organizations (nonoperating).	Nov. 15, 1951 (E.O. 10306)	David L. Cole, chairman; George Osborne, Aaron Horvitz.	Feb. 14, 1952 (30-day extension to Jan. 15, 1952) (30-day extension to Feb. 15, 1952).	A-3744 with sub number.
99	Pan American World Airways, Inc	TWU of A, CIO	Dec. 17, 1951 (E.O. 10314)	Curtis G. Shake, chairman; William E. Grady, Jr., Walter Gilkyson.[7]	Feb. 16, 1952 (32-day extension to Feb. 18, 1952, see stipulation).	A-3827.
100	Northwest Airlines, Inc	IAM	Jan. 4, 1952 (E.O. 10319)	Due to the fact that parties to dispute returned to direct negotiations which resulted in an agreement between the parties, dated Apr. 24, 1952, no effort was made to name said board members although 3 30-day extensions of time were granted by the President for investigation and report of dispute. Under the above circumstances this emergency board functioned until said agreement was reached.	None made. (30-day extension of time to Mar. 5, 1952; requested extension of time made to May 5, 1952.)	A-3566.
101	Trans World Airlines, Inc	Flight Engineers' International Association, TWA Chapter.	July 9, 1952 (E.O. 10371)	Adolph E. Wenke, chairman; Robert O. Boyd, I. L. Sharfman.	Report to President, dated Aug. 29, 1952 (30-day extension to Sep. 7, 1952).	A-3968.
102	Northwest Airlines, Inc	IAM	July 10, 1952 (E.O. 10372)	do	Aug. 29, 1952 (30-day extension to Sept. 8, 1952).	A-3894.
103	United Air Lines, Inc	Flight Engineers International Association, UNA Chapter.	Nov. 6, 1952 (E.O. 10406)	Saul Wallen, Robert O. Boyd, Harold R. Korey.	Jan. 2, 1953 (30-day extension to Jan. 5, 1953).	A-3910.
104	New York, Chicago & St. Louis RR. Co	BRT	Apr. 24, 1953 (E.O. 10449)	No members appointed. Parties reached agreement on Apr. 26, 1953, thus no E.B. was set up for hearing this dispute.		A-4182.
105	Railway Express Agency, Inc	BRC	Dec. 16, 1953 (E.O. 10509)	Fred W. Messmore, William E. Grady, Jr., G. Allen Dash, Jr.	Feb. 17, 1954 (30-day extension time to Feb. 17, 1954).	A-4358.
106	Akron, Canton and Youngstown Co. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	15 cooperating; nonoperating railway labor organizations.	Dec. 28, 1953 (E.O. 10511)	Charles E. Loring, chairman; Adolph E. Wenke, Dean Martin Paul Catherwood.	May 15, 1954 (52-day extension to Mar. 20, 1954) (41-day extension to Apr. 30, 1954) (15-day extension to May 14, 1954).	A-4336.
107	The Pullman Co	ORC & B	Oct. 16, 1954 (E.O. 10570)	Edward F. Carter, chairman; Edward B. Bunn, Howard A. Johnson.	Nov. 20, 1954	A-4599.
108	Capital Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc., Eastern Air Lines, Inc.	IAM	Nov. 16, 1954 (E.O. 10576)	Adolph E. Wenke, chairman; James P. Carey, Jr., Francis J. Robertson.	Apr. 13, 1955 (30-day extension to Jan. 14, 1955) (30-day extension to Feb. 14, 1955) (30-day extension to Mar. 14, 1955) (30-day extension to Apr. 14, 1955) (30-day extension to May 14, 1955).	A-4579, A-4580, A-4581, A-4582, A-4583, A-4584.
109	Certain carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	ORC & B	Nov. 23, 1954 (E.O. 10578)	Edward M. Sharpe, chairman, John T. Dunlop, Charles A. Sprague.	Mar. 25, 1955 extended to Feb. 1, 1955 extended to Mar. 15, 1955, extended to Apr. 1, 1955.	A-4374.
110	do	BLF & E	June 17, 1955 (E.O. 10615)	Curtis C. Shake, chairman, G. Allan Dash, Jr., Martin P. Gatherwood.	July 30, 1955 (extension time to Aug. 1, 1955).	A-4854.
111	Railway Express Agency, Inc	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America.	July 1, 1955 (E.O. 10622)	Robert G. Simmons, Chairman, Morrison Bandsaker, Benjamin C. Roberts.	Aug. 1, 1955	A-4779; A-4860.
112	New York Central System, lines East	ORC & B	Aug. 16, 1955 (E.O. 10630)	Mortimer Stone, chairman, Dudley E. Whiting, Arthur Stark.	Sept. 14, 1955	A-4712.
113	Pennsylvania RR. Co	Transport Workers Union of America, CIO.	Sept. 1, 1955 (E.O. 10635)	Howard A. Johnson, chairman, Walter R. Johnson, Mart J. O'Malley.	Oct. 26, 1955 (extended to Oct. 21, 1955) (extended to Oct. 31, 1955).	A-4717, A-4867.
114	The Albany Port District and other carriers represented by: Eastern, Western, and Southeastern Carriers' Conference Committees.	Cooperating and nonoperating railway labor organizations.	Nov. 7, 1955 (E.O. 10643)	Dudley E. Whiting, chairman; G. Allan Dash, Jr., John Day Larkin.	Dec. 12, 1955	A-4985.
115	Spokane, Portland & Seattle Co	BLE	Dec. 5, 1956 (E.O. 10691)	(8)	Extension of time granted to Feb. 3, 1957.	A-5245.
116	Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	BRT	Dec. 22, 1956 (E.O. 10693)	Nathan Cayton, chairman; Francis J. Robertson, A. Langley Coffey.	Mar. 15, 1957 (extension to Feb. 21, 1957) (extension to Mar. 18, 1957).	A-5248.
117	Railway Express Agency, Inc	IBT	Jan. 25, 1957 (E.O. 10696)	Paul H. Sanders, Chairman; Thomas C. Begley, Harold M. Gilden.	Mar. 21, 1957 (extension to Mar. 25, 1957).	A-5211.

See footnotes at end of table.

Emergency board index—Continued

No.	Carrier	Organization	Date of order	Members	Date of report	NMB case No.
118	Toledo, Lorain & Fairport Dock Co.; Toledo, Lakefront Dock Co.; Cleveland Stevedore Co.	District 50, United Mine Workers of America, independent.	May 9, 1957 (E.O. 10709)	Nathan Cayton, chairman; Dudley E. Whiting, Morrison Handsaker.	June 7, 1957	A-5385, A-5386, A-5433.
119	General Managers' Association of New York representing: New York Central RR. Co.; New York; New Haven & Hartford RR. Co.; Brooklyn Eastern District Terminal; New York Dock Ry.; Bush Terminal RR.; Baltimore & Ohio RR. Co.; Pennsylvania RR.; Erie RR. Co.; Reading Co.; Delaware, Lackawanna & Western RR.; The Central RR. Co. of New Jersey.	International Organization of Masters, Mates and Pilots, Inc.	Aug. 6, 1957 (E.O. 10723)	James J. Healy, chairman; [7] Benjamin C. Roberts, Walter R. Johnson.	Sept. 20, 1957 (extension to Sept. 20, 1957).	A-5435.
120	Eastern Air Lines, Inc	Flight Engineers International Association, EAL Chapter.	Jan. 21, 1958 (E.O. 10749)	David L. Cole, Chairman; [7] Saul Wallen, Dudley E. Whiting.	July 21, 1958 (extension to Mar. 22, 1958) (extension to Apr. 28, 1958).	A-5612, E-148.
121	Eastern Airlines, Inc	ALPA International	Jan. 28, 1958 (E.O. 10750).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 21, 1958 (30-day extension to March 29, 1958) (add 30-day extension to April 28, 1958).	E-146.
122	Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., Northeast Airlines, Inc., Capital Airlines, Inc., National Airlines, Inc.	IAM	Feb. 27, 1958 (E.O. 10757).	Howard A. Johnson, chairman; Paul N. Guthrie, Francis J. Robertson.	Sept. 15, 1958 (extended 30 days to May 14, 1958).	A-5599, A-5613, A-5615, A-5618, A-5621, A-5642, A-5643.
123	Trans World Airlines, Inc	Flight Engineers International Association, TWA chapter.	Mar. 27, 1958 (E.O. 10760).	David L. Cole, chairman; Saul Wallen, Dudley E. Whiting.	July 25, 1958 (30-day extension to May 27, 1958) (add extension to June 26, 1958, July 23 and July 31, 1958).	A-5630.
124	American Airlines, Inc	ALPA, International	June 19, 1958 (E.O. 10770).	James J. Healy, chairman; Benjamin C. Roberts, Maynard E. Pirsig.	Sept. 3, 1958	A-5567, E-162.
125	Pan American World Airways, Inc	TWU of A, AFL-CIO	Apr. 22, 1959 (E.O. 10811).	Dudley E. Whiting, chairman; Morrison Handsaker, Arthur Stark.	June 15, 1959 (extension to June 15, 1959).	A-5914, E-193.
126	Atchison, Topeka & Santa Fe	BLE	Feb. 12, 1960 (E.O. 10862)	Dudley E. Whiting, chairman; Harold, M. Weston, R. W. Nahstoll.	July 15, 1960 (stipulation extension of time to June 1, 1960).	A-6117, E-218.
127	New York Central System	ORO & B	Feb. 29, 1960 (E.O. 10868)	Leo C. Brown, chairman; David R. Douglass, James P. Carey, Jr.	June 20, 1960 (stipulation extension approved until June 1, 1960).	A-5866.
128	Pan American World Airways, Inc	BRC	Mar. 18, 1960 (E.O. 10872)	Paul H. Cuthrie, chairman; Saul Wallen, Arthur Stark.	June 2, 1960 (stipulation extension approved until May 18, 1960).	A-6130.
129	Long Island Co	BRP	Apr. 18, 1960 (E.O. 10874)	Curtie G. Shake, chairman; Edward A. Lynch Lloyd A. Bailer.	May 18, 1960	E-213.
130	The Akron & Barberton Belt Co. and other carriers represented by Eastern, Western, and Southeastern Carriers' Conference Committees.	11 cooperating (non-operating) railway labor organizations.	Apr. 22, 1960 (E.O. 10875)	John T. Dunlop, chairman; Benjamin Aaron, Arthur W. Sempliner.	June 8, 1960	A-6157 A-6158.
131	Chicago, Rock Island & Pacific RR. Co	Western Carriers Conference Committee and SUNA.	May 23, 1960 (E.O. 10878)	Russell A. Smith, chairman; Harold M. Gilden, Morrison Handsaker.	July 8, 1960 (extended to July 15, 1960).	A-6082.
132	The Pennsylvania RR. Co	TWU of A, Railroad Division and Railway Employees Department, AFL-CIO, System Bd. No. 152.	May 20, 1960 (E.O. 10877)	Frank P. Douglass, chairman; Paul H. Sanders, A. Langley Coffey.	June 24, 1960 (extended to June 24, 1960).	A-5949, E-134.
133	New York Harbor Carriers' Conference Committee	Employees represented by labor organizations, members of the Railroad Marine Harbor Council.	Sept. 26, 1960 (E.O. 10888)	Dudley E. Whiting, chairman; Benjamin C. Roberts, William H. Coburn.	Dec. 10, 1960	A-6217.
134	do	Lighter Captains' Union, Local No. 996.	Jan. 12, 1961 (E.O. 10904)	James T. O'Connell, chairman; [7] David R. Douglass, Harold M. Gilden.	Mar. 6, 1961 (extended to Feb. 25, 1961), (extended to Mar. 11, 1961).	A-6352
135	Pan American World Airways	Flight Engineers International Association, PAA Chapter.	Feb. 17, 1961 (E.O. 10919) (amended E.O. 10926, dated Mar. 18, 1961).	G. Allan Dash, Jr., chairman; [7] Arthur Stark, Edward A. Lynch.	June 20, 1961	A-6245.
136	Northwest Airlines, Inc	IAM	Feb. 24, 1961 (E.O. 10923)	Paul N. Guthrie, Chairman; [7] Benjamin Aaron, Paul B. Hanlon.	May 24, 1961	A-6176, A-6343.
137	Baltimore & Ohio RR. Co. and other carriers	Eastern, Western, and Southeastern Carriers Conference Committees and Railroad Yardmasters of America.	May 19, 1961 (E.O. 10944)	Harold M. Gilden, Chairman; Leo C. Brown, William H. Coburn.	July 10, 1961 (extended to July 19, 1961).	A-6360.
138	Southern Pacific Co. (Pacific Lines)	ORT	July 20, 1961 (E.O. 10953)	Harry H. Platt, Chairman; [7] Hubert Wyckoff, Morrison Handsaker.	Sept. 15, 1961	A-5904, A-6083.
139	The Pullman Co. and Chicago, Milwaukee, St. Paul & Pacific RR. Co.	ORC & S	Sept. 1, 1961 (E.O. 10963)	David R. Stowe, Chairman; Bryon R. Abernethy, H. Raymond Cluster.	Dec. 11, 1961 (extended to Oct. 30, 1961) (extended to Nov. 30, 1961) (extended to Dec. 15, 1961).	A-6380, A-6400.
140	Trans World Airlines, Inc	TWU of A, AFL-CIO	Oct. 5, 1961 (E.O. 10965)	Saul Wallen, chairman; Israel Ben Scheiber; Emanuel Stein.	Nov. 3, 1961	A-6537.
141	Reading Co	IOOM & P, Local No. 14	Oct. 11, 1961 (E.O. 10969)	Joseph Shister, chairman; Lloyd H. Bailer; Edward A. Lynch.	Dec. 5, 1961	A-6246.
142	Trans World Airlines, Inc	ALPA, International	Jan. 1, 1961 (E.O 10971)	Donald B. Straus; Morrison Handsaker; Patrick J. Fisher, chairman.	Dec. 15, 1961	A-6407.
143	Pan American World Airways, Inc	do	Nov. 10, 1961 (E.O. 10975)	Leo C. Brown, Chairman; Eli Rock; Arthur M. Moss.	Dec. 10, 1961	A-6328.
144	Eastern Air Lines, Inc	Flight Engineers International Association.	Feb. 22, 1962 (E.O. 11006)	Theodore W. Kheel, chairman; Paul N. Guthrie; Byron R. Abarnethy.	May 1, 1962	

145	Akron & Barberton Belt RR. and other carriers represented by Eastern, Western, and Southeastern Carriers Conference Committees.	11 cooperating railway labor organizations.	Mar. 3, 1962 (E.O. 11008)	Saul Wallen, chairman; Lawrence E. Seibel, Edward A. Lynch.	May 3, 1962	A-6627.
146	Trans World Airlines, Inc	Flight Engineers International Association, TWA Chapter	Mar. 20, 1962 (E.O. 11011)	James C. Hill, Chairman; Thomas C. Begley, Arthur W. Sempliner.	May 1, 1962	A-6406.
147	Chicago & North Western Ry. and the former Chicago, St. Paul, Minneapolis & Omaha RR.	ORT	Apr. 23, 1962 (E.O. 11015)	Arthur Ross, Chairman; Paul D. Hanlon, Charles C. Killingsworth.	June 14, 1962	A-5696, A-5739.
148	New York Central RR. System and Pittsburgh & Lake Erie RR.	ORT	June 8, 1962 (E.O. 11027)	Joseph Shister, Chairman; Walter F. Eigenbrod, J. Harvey Daly.	Aug. 30, 1962	A-5809, A-6063.
149	American Airlines, Inc	TWU of A, AFL-CIO	June 20, 1962 (E.O. 11033)	Paul N. Guthrie, Chairman; James J. Healy, Burton B. Turkus.	No formal report, Aug. 11, 1962.	A-6582, A-6663.
150	Belt Ry. of Chicago	BLE	Aug. 6, 1962 (E.O. 11040)	Paul D. Hanlon, Chairman; David H. Stowe, Frank D. Reeves.	Mar. 4, 1963 (extension to Jan. 5, 1963).	A-6690.
151	Southern Pacific Co. (Pacific Lines)	BRC	Aug. 10, 1962 (E.O. 11042)	Keith J. Mann, Chairman; John F. Sembower, Abram H. Stockman.	Dec. 31, 1962	A-6617.
152	Pan American World Airways, Inc	TWU of A, AFL-CIO	Aug. 14, 1962 (E.O. 11043)	James C. Hill, Edward A. Lynch, Theodore W. Kheel, Chairman.	Dispute resolved by mutual agreement between parties.	A-6701.
153	REA Express	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America.	Sept. 14, 1962 (E.O. 11050)	Jacob Seidenberg, Chairman; J. Glenn Donaldson, Robert J. Ables.	Nov. 10, 1962	A-6671 A-6696.
154	Eastern, Western, Southeastern Carriers' Conference Committees.	BLE, BLF & E, ORC & B, BRT, SUNA.	Apr. 3, 1963 (E.O. 11101)	Samuel I. Roseman, Chairman; Nathan P. Feinsinger, Clark Kerr.	May 13, 1963	A-6700.
155	Pullman Co.; Chicago, Rock Island & Pacific RR. Co.; New York Central; Soo Line RR.	BRCP	July 4, 1963 (E.O. 11115)	Jacob Seidenberg, Chairman; J. Keith Mann, Frank D. Reeves.	Nov. 2, 1963	A-6794, A-6795, A-6796, A-6797.
156	United Air Lines, Inc	IAM	Oct. 9, 1963 (E. O. 11121)	Paul D. Hanlon, chairman; Eli Rock, Laurence E. Seibel.	Nov. 18, 1963	A-6905.
157	Florida East Coast Co	11 cooperating railway labor organizations.	Nov. 9, 1963 (E. O. 11127)	Harry H. Platt, chairman; Derek Bok, Paul N. Guthrie.	Dec. 23, 1963	A-6627, sub. No. 1.
158	Braniff International Airways, Continental Airlines, Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc.	IAM	Dec. 11, 1963 (E. O. 11131)	Ronald D. Haughton, chairman; Lewis M. Gill, John W. McConnell.	No report (Jan. 20, 1964 agreement).	A-6898, A-6899, A-6900, A-6901, A-6903, A-6904.
159	Eastern, Western, Southeastern Carriers' Conference Committees.	BRS	Jan. 3, 1964 (E. O. 11135)	James C. Hill, chairman; Joseph Shister, Michael Deane.	Apr. 3, 1964	A-6967.
160	National Railway Labor Conference	RED	Mar. 17, 1964 (E. O. 11147)	Saul Wallen, chairman; Jean T. McKelvey (Mrs.), Arthur M. Ross.	Aug. 7, 1964	A-7030.
161	do	RED	Aug. 18, 1964 (E. O. 11169)	Richardson Dilworth, chairman; Paul D. Hanlon, Rabbi Jacob Joseph Weinstein,[9] Robert J. Ables, Lewis M. Gill, H. Raymond Cluster, Frank J. Dugan.	Oct. 20, 1964	A-7107.
162	National Railway Labor Conference	11 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11168)	(Same as E.B. 161)	do	A-7127.
163	National Railway Labor Conference	5 cooperating railway labor organizations.	Aug. 18, 1964 (E.O. 11170)	do	do	A-7128.
164	National Railway Labor Conference	BLF & E	Sept. 24, 1964 (E.O. 11180)	Ronald D. Haughton, chairman; Jacob Seidenberg, Louis Crane.	Nov. 5, 1964	A-7173.
165	Atchison, Topeka & Santa Fe	Brotherhood of Railroad Trainmen	Sept. 11, 1965 (No. 11243)	Settled in conference between parties	None	A-6318.
166	5 carriers (EAL, NAL, NWA, TWA, UAL)	International Association of Machinists & Aerospace Workers, AFL-CIO.	Apr. 21, 1966 (No. 11276)	Wayne Morse, Chairman; David Ginsburg; Richard E. Neustadt.	June 5, 1966	A-7655.

[1] Interpretation of report to President dated Aug. 24, 1948.
[2] Clarification of report to President July 23, 1948.
[3] Interpretation of report to President dated June 29, 1949.
[4] Appointed to serve 1st time.
[5] Appointed to serve as member of R.B. for 1st time.
[6] See E.B. No. 63, under supervision of Government also. See E.B. No. 83, restraining order.
[7] Named by White House.
[8] Withdrawn—A settlement was reached between the parties by an agreement dated Jan. 10, 1957 and effective Jan. 16, 1957.
[9] Weinstein appointed Sept. 22, 1964, to replace John W. McConnell who resigned (E.B. 161-162-163 appointed Aug. 18, 1964, by separate Executive orders and heard by same 7-man Board).

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. CLARK. I shall be happy to yield.

May I say to Senators that I am prepared to yield at this point to any Senator who wishes to engage in colloquy. I have 5 or 10 minutes more in which to complete my statement, but I shall be glad to put that off in order to get these questions out of the way.

I wish to say, for the information of Senators, that when I complete my statement, it is my understanding that the majority leader will propose a unanimous consent agreement limiting the time for debate.

Mr. ERVIN. I should like to ask the Senator from Pennsylvania if it is not a fact that the present provisions of the Railway Labor Act have been exhausted and are no longer applicable.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. So that we now have no law whatever with which to deal with this situation.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Does not the Senator from Pennsylvania agree with the Senator from North Carolina that law is a rule of action?

Mr. CLARK. I have a feeling I cannot agree with that until I hear the next question of the Senator. I do not believe that law is action. My view is that legislation lays down the rules of the game, and action is taken by the Chief Executive.

Mr. ERVIN. Since the provisions of the Railway Labor Act have been exhausted in respect to the controversy giving rise to this strike, there is now no law prescribing what action either management or the union shall take in this connection.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. I should like to direct attention to subparagraph (b) of section 1, on page 2 of the resolution reported by the committee. Does it not contain this provision:

(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Would not that language state the conviction of Congress, if it is enacted, that something should be done?

Mr. CLARK. It does, indeed.

Mr. ERVIN. And then the committee resolution says that the provisions of the Railway Labor Act can be reinstated, in the discretion of the President.

Mr. CLARK. The Senator is correct.

Mr. ERVIN. Is that not delegating, or attempting to delegate, to the President the power to make law?

Mr. CLARK. No. Congress makes the law; the President executes it.

Mr. ERVIN. If the President so decides, in his discretion, the President may reinstate the 180-day provision of the Railway Labor Act. Is that not what section 2 of the resolution reported by the committee provides?

Mr. CLARK. It certainly puts the discretion in the hands of the President.

I wish to point out that the statute books of the United States are full of discretionary authority given to the President, far wider than that given to him in this instance.

Mr. ERVIN. Does the Senator from Pennsylvania believe that all the discretion belongs to the President and none to Congress?

Mr. CLARK. The Senator is asking a rhetorical question, and I answer his question "No."

Congress is now debating whether it should act or not. A number of Senators will vote against the resolution. I believe that we are exercising wide discretion in connection with this debate by which we will determine what, if anything, we wish to do. The whole purpose of legislation is to exercise our individual and collective discretion.

Mr. ERVIN. In simple English, does not section 2 provide this: that the 180-day provision of the Railway Labor Act will be reinstated only by the President of the United States and not by act of Congress?

Mr. CLARK. No. I believe the Senator is misreading the purport of section 2.

I would phrase it this way: As the Senator has said, all authority under the Railway Labor Act has expired. The President is the individual who, in the opinion of the majority of the members of the committee, should be given the authority to take the emergency measures which are essential to the settlement of the dispute; and in making up his mind what if anything to do, he should have the authority to do what he sees fit.

In short, we give the President a charter of authority, and we do not attempt to dictate how he uses it.

Mr. ERVIN. Section 2 provides that the President may reinstate the provisions of the law which have now been exhausted. Is that not what section 2 provides?

Mr. CLARK. The Senator is entitled to his opinion. I do not believe a continuation of this colloquy will help clarify the matter. I believe it is fairly sterile.

Mr. ERVIN. Not only is it not sterile, but also, I believe it is pregnant with meaning.

Mr. CLARK. That is a new thought.

Mr. ERVIN. Does not section 2 provide, as follows:

SEC. 2. The period of time provided for in section 10 of the Railway Labor Act, paragraph 3, during which no change, except by agreement, shall be made by the parties to the dispute, or affiliates of said parties, in the conditions out of which the dispute arose, may, in the discretion of the President, be reinstated and extended for such period or periods of time as may be determined by him upon issuance by him of an Executive order or orders so providing:

Mr. CLARK. That is exactly what it provides.

Mr. ERVIN. And does it not say that the President can extend it for 180 days or any less time he pleases?

Mr. CLARK. It certainly does.

Mr. ERVIN. And the Senator from Pennsylvania contends that that is not an attempt to delegate to the President the power to make law?

Mr. CLARK. No, it is not an attempt to delegate such power. I disagree with the Senator 100 percent in that statement.

Mr. ERVIN. One could not read this statute and find how long it would be reinstated, could one?

Mr. CLARK. Section 10 of the Railway Labor Act gives the President that discretion now. We are not changing that in any way but only extending it for a further period.

Mr. ERVIN. That power has been exercised by the President and has been exhausted. The Senator from Pennsylvania [Mr. CLARK] assured me of that in response to my first question. The President has no power under the Railway Labor Act at this time to extend anything or reinstate anything because his power has been exhausted.

This bill would provide that the President could do that if he saw fit; in other words, that he may do it or may not do it as he sees fit; the bill would allow the President to establish rules of action to govern the airlines and the members of the union for 180 days or any less period. That, in substance, is permitting the President to make laws—a power which belongs to Congress alone.

Mr. CLARK. I must disagree with the Senator again. The President can order the men back to work for up to 180 days, but he cannot establish the rules of action during this period.

Mr. ERVIN. I shall say one further thing. This bill would emulate Pontius Pilate and say on behalf of the Congress: We are going to wash our hands of responsibility, and let the President assume it.

I thank the Senator for yielding. I trust that I have not trespassed too much on his patience or his time.

Mr. CLARK. I thank the Senator for his usual courtesy and good humor.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Kentucky.

Mr. COOPER. I was very much interested in the statement made by the Senator from Pennsylvania [Mr. CLARK] a few moments ago when, I believe, he said he was not sure himself whether or not the President should use the authority proposed to be given to him.

Mr. CLARK. The Senator is correct.

Mr. COOPER. Is it correct then that the committee in reporting the resolution did not mean what it said—that there is an emergency and that transportation should be maintained?

Mr. CLARK. I think that I can answer the Senator's question in this manner. There are some members of the committee and some Members of the Senate who think that the free reign of collective bargaining should be permitted to continue for an appreciable period of time without ordering the men back to work.

They do not think that the situation is critical enough for the exercise of Presidential and congressional authority. I do not think that I agree with them. But a pretty good case can be made that the situation is not yet serious enough to set aside labor's right to strike.

Mr. COOPER. The Senator is saying that some members of the committee believe the President should not invoke the authority that would be given to him under the resolution immediately.

Mr. CLARK. Yes.

Mr. COOPER. They believe that he should wait until such time as he chooses to use the authority—and perhaps not use it at all—to send the men to work and resume operations of the airlines.

Mr. CLARK. The Senator is correct, some members feel that way.

This was the strongest measure that we could bring out of the committee. I am prepared to support it. A more drastic bill was defeated. It was a close vote, but it was defeated. The question was this resolution or nothing, and I believe it is an acceptable compromise.

Mr. COOPER. It is quite interesting that the resolution invokes the emergency settlement provision of the Railway Labor Act; and also provides in subsection (b), the preamble, that—

> Emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

The language implies strongly that the committee wants something done now, and yet the Senator has stated to me that it is not certain if it wants anything done.

Mr. CLARK. I think that every member of the committee except one thought that some action should be taken now. Ten members of the committee thought that that action should be temperate and moderate and should leave a substantial amount of discretion in the hands of the President in the days immediately ahead.

A good many members of the committee, but less than a majority, thought that Congress should take the bull by the horns and direct the men to go back to work. I am not of that view.

Mr. COOPER. I know that there is always reluctance, and properly so, I agree, to prohibit legislatively the continuance of a strike. However, the resolution which has been reported by the committee, and the Morse resolution, contain language which would prohibit the continuance of the strike when the authority is invoked. Congress cannot escape the fact that it is writing into law, that a strike cannot continue after the prohibition is invoked. Is that not correct?

Mr. CLARK. No. I think that the committee bill gives the President another tool with which to terminate the dispute, if he thinks it wise to do so.

To me this is temperate and moderate legislation, whereas, in my judgment, the Morse resolution is punitive legislation which orders the men back to work and leaves nothing for the President. That is the difference.

Mr. COOPER. We are arguing about language, but I believe that section 2 is essentially the same in both resolutions by providing that when the action is triggered, whether by the President or Congress the continuation of a strike, would be prohibited. That is clear.

Mr. CLARK. I wish to say to the Senator from Kentucky [Mr. COOPER], I think that the phrase he referred to on page 2, line 16, "emergency measures are essential," still leaves open what emergency measures are essential.

Mr. COOPER. Would the Senator agree with this statement? The public would like to see work stoppage ended and collective bargaining to settle the disputes over wages and other issues resumed. It is correct, is it not, that the Morse resolution, immediately upon its passage and approval by the President would set in motion measures that would end the work stoppage and start collective bargaining, while the resolution that has been reported by the committee gives no such assurance.

Mr. CLARK. Let me make a point.

Mr. COOPER. I would like to know if that is an essential difference between the two resolutions.

Mr. CLARK. Yes, but let me say this to the Senator from Kentucky. The traveling public, or at least that part of the traveling public which goes by air, is very much upset by this. I have been enormously inconvenienced by the stoppage myself. I imagine that every Senator and Congressman, and most of the big corporate executives in the country have been.

Mr. COOPER. I have not been inconvenienced but it is a question of general transportation.

Mr. CLARK. The Senator is fortunate if he has not been inconvenienced by the strike.

Mr. COOPER. Considerable air traffic is shut off in Kentucky, but I have not been greatly inconvenienced.

Mr. CLARK. It is largely public inconvenience directed at the power structure of this country. When the Greyhound Bus Co. went on strike a couple of years ago there was not the slightest suggestion that the Federal Government should intervene, and I think that a great many more people were inconvenienced then than are now being inconvenienced by the airline strike. But those were people who could not raise such a hue and cry.

I believe we should take action, but it is not all that clear.

Mr. COOPER. I think I have made my point. My question was answered. I believe it must be true, that a majority or part of the committee is saying—although an emergency resolution has been reported—that they do not believe at this point that immediate action is required.

Mr. CLARK. That is not a fair statement, Senator. Let me say candidly that the majority of the committee believe that the President should be given authority to bring the men back to work.

They believe it firmly and implicitly, and so do I. But the majority of the committee did not believe that Congress should order these people back to work. I invite attention to the fact that in the testimony given before the committee by the Secretary of Labor, in response to a colloquy which I had with him, I said to him, "What difference does it make, Mr. Secretary, whether the Congress orders these people back to work or the President orders these people back to work?"

He said, "Not much."

I said, "I agree with you."

The only resolution we could get reported by the majority of the committee, particularly by a majority of the Democratic members, by 8 votes out of 10, was the resolution now before the Senate. I believe it is an acceptable compromise.

Mr. COOPER. It is a compromise.

Mr. PELL. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Rhode Island.

Mr. PELL. I thank the Senator. I have a general statement I should like to read, and then some questions for the Senator, or would he rather I delayed my statement?

Mr. CLARK. No, I would be happy to have the Senator proceed as he wishes.

Mr. PELL. Mr. President, to my mind, strikes such as the present airline dispute, affecting the public interest, are obviously harmful to our Nation.

The question is whether this strike is a national emergency or whether it is a national nuisance, a national inconvenience, affecting the leaders of opinion, those who are articulate, those who are the leaders of our Nation.

The administration's witness, Secretary of Labor Wirtz, testified to the effect that this is not a national emergency, that more than 96 percent of intercity passengers are moving exactly as they always have, that 99.9 percent of freight movements have been unaffected.

For these reasons, I find myself most reluctant to take a step which would order men back to work under sanction of fine or jail. Such a measure has not been taken since the railroad strike of 1917. Under the present circumstances, I think it would be incorrect to go any further than the committee resolution, by which we have given the President the authority to order the workers back to work. This in itself, to my mind, would be a most serious step.

Mr. CLARK. I thank the Senator.

Mr. PELL. I would also like to add that, I think the word "authorized," proposed by my own senior colleague [Mr. PASTORE] perhaps expresses more fully the intent of our committee than the wording in the reported resolution.

In this connection, Senator CLARK, I want to be sure that my memory is correct—Did not the Secretary of Labor testify, not only last week, but again on yesterday, that we were not by any stretch of the imagination in an emergency state?

Mr. CLARK. He did testify that we did not yet have a national emergency. I must repeat that it does not make any real difference because the relevant test is the Railway Labor Act test—that is, a substantial interruption of interstate commerce.

Mr. PELL. The following question then comes to mind. Why is it that for the first time since 1917 the Senate is asked to order men back to work which means that if they don't comply they go to jail? Is it because this is the most serious strike that has affected the national interest since 1917, or is it because it has affected those who are articulate, leaders of opinion, the most informed people in our country? What

would be the opinion of the Senator from Pennsylvania?

Mr. CLARK. I find it difficult to answer that question.

Mr. PELL. I subside. I thank the Senator.

Mr. KENNEDY of New York. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from New York.

Mr. KENNEDY of New York. Is the Senator aware of the fact that there have been a number of cases over the past 15 years in which the Taft-Hartley Act has been used and in which the President of the United States declared a national emergency?

Mr. CLARK. I am.

Mr. KENNEDY of New York. That provides for an 80-day cooling off period, if a Federal court issues an appropriate injunction after the President, in his discretion, invokes the Taft-Hartley emergency provisions.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Is the Senator also aware of the fact that in a number of those cases after the President had declared a national emergency and a court had issued an injunction and an 80-day cooling off period had transpired, a strike then occurred and yet Congress took no action to send those workers back to work? And in the present case, by contrast, the Secretary of Labor told the committee there is no national emergency.

Mr. CLARK. The Senator is correct. But let me point out that the airlines are under the Railway Labor Act, not under the Taft-Hartley Act. Nevertheless, what the Senator said is correct.

Mr. KENNEDY of New York. What I am talking about, really, is, first, the committee considered whether the Taft-Hartley standard should be used to govern the question of whether Congress should act in these extraordinary circumstances, and whether it was in fact a national emergency. The author of the resolution and the committee then learned that there was no national emergency when the Secretary of Labor appeared before the committee and said that there was no national emergency and that, therefore, legislation was not warranted on that basis. After that, they changed it to the Railway Labor Act.

Mr. CLARK. The Senator is correct.

Mr. KENNEDY of New York. Then under the Railway Labor Act, if we use that language, which the Senator's statement and that of the Senator from Kentucky [Mr. COOPER] used, we come to the fact that it has been used 167 times, often to deal with local incidents and disagreements in one community in one part of the United States. That is far different from the kind of drastic finding that we have associated with the Taft-Hartley law.

Mr. CLARK. I wonder whether the Senator would agree with me that it was necessary, in those 166 times, for the President to find that emergency measures were essential to a settlement of the dispute.

Mr. COOPER. Let me intervene to comment that with respect to the act as passed by Congress in 1963, approved August 28, 1963, dealing with labor disputes between railroad carriers, and railroad employees the language used in that act is the same language used in the resolution reported by the committee declaring an emergency.

Mr. CLARK. That is the Railway Labor Act measure?

Mr. COOPER. Yes. And Congress in that act did prohibit strikes and lockouts.

Mr. CLARK. But let me point out to the Senator that the emergency then was far greater than that which now exists.

Mr. COOPER. Of course it was.

Mr. CLARK. That was a situation which threatened to tie up all railroads in the country and to prevent passengers and freight from moving. Here, there are 5 of 11 trunk airlines on strike. The only people being inconvenienced are those who constantly use air traffic. That is a very small percent of the whole.

Mr. COOPER. I understand that the situations are different. I raise my questions because it seems to me rather inconsistent for the committee to report a bill declaring an emergency, recommend its immediate passage, and then say, on the other hand, that perhaps the President should not act.

Mr. CLARK. We are trying our best to get the resolution passed, which will make it possible to take action. We are doing our best to get that resolution passed.

Mr. KENNEDY of New York. The legislation passed in 1963 was promised on the Railway Labor Act kind of finding, but in circumstances which clearly would have justified a Taft-Hartley finding, which the Secretary of Labor has told us cannot be justified here. In 1963, the President declared that there was an emergency. He said that, "the national defense and security would be seriously harmed." Then he asked for the legislation.

Neither of these ingredients is present at the present time.

Additional information was made available to Congress and to the general public at that time. The Council of Economic Advisers stated that by the 30th day of the strike, if a strike were to occur, 6 million nonrailroad workers would be laid off, in addition to 700,000 railway employees, and unemployment would reach 15 percent nationally—the highest since 1940. There would be a decline in the gross national product four times as great as during the Nation's worst postwar recession.

That was our situation in 1963 in the railway crisis.

Mr. COOPER. Mr. President, I remember that the late President of the United States took those important steps. He had exhausted all possible steps for settlement. I have been surprised by the implication that the emergency is not important enough to take action, except just to pass it on to the President. Perhaps he will not act and perhaps he will. Perhaps it will be all right if he does not act. This does not seem to be in harmony with the fact that we are are legislating in an emergency situation.

Mr. KENNEDY of New York. I would say to the Senator that as a member of the Committee, I had serious reservation about this question of whether this is the kind of emergency in which we should legislate at all. But it was felt strongly by the leadership and others that the Senate as a body should have the right at least to consider the legislation, and that we should present the Senate with the best possible law to be applicable in this particular situation. After four days of struggling within the committee we arrived at something to take before the Senate and that is what we are discussing. But I would emphasize that I think all the facts that were before us in committee should be available to Senators to help them in deciding for themselves whether any legislation at all should be passed. And I would add that I still have serious doubt as to whether any legislation at all should be passed.

Mr. CLARK. Has the Senator from New York completed his colloquy?

Mr. KENNEDY of New York. Yes.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Colorado.

Mr. DOMINICK. I wish to comment on the remarks of the Senator from New York. We had direct testimony from the Secretary of Labor that the strike was costing the airlines $7 million a day; gross revenues to the country in the amount of $1 million; was adversely affecting the balance of payments $1 million a week, which condition is perfectly awful already. It has put 150,000 passengers a day on the ground, where they cannot get transportation. It has put out of work 35,000 employees of the airlines who are on strike. It has put out of work 36,000 to 37,000 employees who are involuntarily out of work.

It strikes me that while perhaps this may not be a national emergency, we have had a breakdown in transportation services which absolutely demands some kind of action. That is why I think Congress should move faster and take its responsibility, instead of passing the buck to the President as is provided in the Clark resolution.

Mr. CLARK. Mr. President, if no other Senator desires to ask questions, I should like to speak briefly in order to complete my presentation of the joint resolution.

In conclusion, I should like to emphasize, in the words of page 2 of the committee report, that four essential features of the legislation cannot be overemphasized.

First, the committee believes that the dispute, in the words of section 10 of the Railway Labor Act: "threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

I think I am correct in saying that all 16 members of the committee concur in that conclusion. This is because the evidence presented to the committee at its hearings on July 27, and again on

August 1, 1966, could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interestate transportation service.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. RANDOLPH. I do not want to interrupt the continuity of the Senator's presentation, but I think it is important for us to realize that there are approximately 4,100 scheduled operations, that have not been operating since the beginning of the strike, every 24 hours. Think of it—4,100 daily flights are not now in operation.

Mr. CLARK. The Senator is correct.

May I point out to my friends from the other 48 States the tremendous damage which is being done to the States of Hawaii and Alaska, which depend on air transportation to a far greater extent than does any other State of the Union.

I reiterate that the evidence presented to the committee could lead to no other conclusion than that many sections of the country have in fact been deprived of essential interstate transportation service.

That is the first point.

The second point is that the authority vested in the President by this resolution is entirely permissible. The President is not required, nor is he necessarily expected, to exercise that authority. The President, both under the National Labor Relations Act, under Taft-Hartley, and the Railway Labor Act, which includes the airlines, is already vested with discretionary authority. All we are doing is giving the President more of the same discretionary authority which he already has.

The majority of the committee believed that it is the President, rather than the Congress, who should judge whether requiring the employees in this case to return to work would be in the best interest of achieving a fair and just settlement of this dispute.

I would not want to foreclose the possibility that the President, who is in intimate day-to-day contact with progress in the negotiations may find an opportunity, in talking informally, either directly or through intermediaries, with the representatives of the carriers and the labor union, of invoking an arrangement under which, if another week of collective bargaining were carried on, he could get a commitment, possibly off the record, which would result in a settlement of the dispute under collective bargaining, rather than under the gun of congressional or Presidential order.

So I think if anyone wanted to see the strike settled as soon as possible—and I think all Senators want to see that—we ought to leave the tool in the hands of the President, instead of using arbitrary—and I use the word advisedly— intervention in an attempt to in effect exercise, not legislative, but executive authority.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I express admiration for the way in which the distinguished Senator from Pennsylvania is handling the joint resolution and also for his diligence within the committee.

Mr. CLARK. May I interrupt the Senator from West Virginia to acknowledge publicly my debt and that of all the other members of the committee to him. If it had not been for his wise and calm counsel, I do not believe we would have the measure on the floor of the Senate today.

Mr. RANDOLPH. I am grateful to the Senator from Pennsylvania.

Mr. President, when we speak of the cutback in essential air service being felt with greater impact in certain areas of the country, I should be remiss in my duty if I did not remind Senators that the State of West Virginia, as well as some other similar states, feels the impact of any cutback for a very natural reason—and that is the terrain.

My State is known as "The Mountain State," and with good reason. The topography is a delight to our citizens and our tourists, but it does present transportation problems.

Our roads and highways are winding, with steep inclines and numerous bends and curves; our railroad beds follow valleys, circle or tunnel through mountains, as the physiography permits. Neither truck nor train can move with the speed possible in the great flat lands of the midwest and southwest parts of our Nation. We are, therefore, totally dependent on air transportation for speed in the movement of both persons and perishable, or necessary, goods.

It has followed, then, that in my State a loss which would be minor to a large metropolitan area can reach major crisis proportions in its effects on the West Virginia economy.

One presently functioning air carrier has been given permission, within the flexible framework established by the Civil Aeronautics Board, to reduce the number of flights serving one community, Morgantown, in West Virginia, and to reroute them on another operation which is, the carrier says, more in the public interest. This carrier has removed 5 of its flights from Morgantown, which has a population between 25,000 and 30,000.

This city is also the site of West Virginia University, and the university student body, the faculty, and the maintenance personnel constitute an additional 15,000 people. Morgantown lies in a mountainous area and is now suffering a severe loss in the number of flights it has available for service.

I referred, during the hearings, to research at the university being curtailed because of the strike.

Another air carrier has suspended all of its flights into Wheeling, W. Va.

I do not want to belabor the point, but I do want to remind my colleagues that it is not only the large cities—New York, Chicago, Los Angeles—or distant States—Hawaii and Alaska—that are deprived of needed service.

It is our entire country—our America—a nation which is vital, fast moving, mobile; a nation whose people move on wheels and wings.

It matters not whether we call the situation a "national emergency" or try to use refined language to spell out its effects. The facts have shown, in the loss of dollars and cents, in loss of employment, in delays in the transport of needed goods, in breakdowns of vital professional services—to industry, education, the Government—that this strike is debilitating to America.

What we used to call an emergency, under the conditions we knew 20 or 30 years ago, during two World Wars, has no meaning now. Our society has changed too drastically for us to rely, within the framework of realism, on those old definitions.

Whether we use the old approach, however, or a new, more modern, set of criteria, we must use the facts which were presented to our committee. And these facts tell us that this airlines strike is a most serious matter, indeed.

Members of Congress, as they think in terms of passage of the proposed legislation, are, I am sure, thinking in terms of responsiveness to the American people. Our people look to us to be responsible Members of the Senate in a time like this. Although we may disagree upon the way in which we shall act, frankly—and I say this calmly—it is the responsibility of Congress to act now.

Mr. CLARK. The Senator from West Virginia has eloquently stated the reasons why I support the committee joint resolution. I thank him for his helpful intervention.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. PASTORE. What strongly appeals to me about the joint resolution as it is presently sponsored—and I hope we may have some clarification of the record in order to obviate or eliminate passing the buck to the President—is that Senators who voted for the pending measure are courageous Members of the Senate, who are willing to assume their responsibility and do not want to pass it to anyone else.

Mr. CLARK. I thank the Senator from Rhode Island for his comment.

Mr. PASTORE. What appeals to me more than anything else is that the Senators who are sponsoring the joint resolution have not been personally engaged in this controversy, and cannot be accused of either rancor or vindictiveness. They are men of objectivity, men who, after hearing all of the evidence, have rendered what I consider to be an impartial report. They have no ax to grind. They are not antilabor; they are not antimanagement. They have not been so involved in the controvery as to lose any sense of impartiality.

That is what appeals to me, and that is the reason why I hope that, once the resolution is modified or clarified, it will be passed by the Senate.

Mr. CLARK. I thank the Senator very much.

Mr. President, I shall speak only 1 or 2 minutes more, and then I shall yield the floor.

My third point, is that the resolution is not intended to be and does not constitute permanent legislation; nor does it amend the Railway Labor Act or extend the provisions of section 10 of that act except with respect to the present

labor dispute involving the five airlines, and such other airlines as might threaten to go on strike in the next 6 months.

Thus, the moment the five airlines and their employees settle the dispute which has given rise to this proposal, the resolution would expire; its legal provisions would become inoperative; and there would be no law on the statute books that was not there before the airlines strike started.

My fourth point is that the resolution is not intended to indicate a precedent for congressional or Executive action with respect to any future labor disputes. We do not wish to make a precedent; and I state for the record, as a matter of legislative history, the committee does not think it is creating a precedent which would enable every other group to come rushing to Congress for legislation. This is an ad hoc solution to a situation which is creating vast disruption in interstate commerce in various areas of the country. The committee does not believe that it, or Congress, should become involved or intervene except in extraordinary circumstances, on an ad hoc basis.

I hope that the labor agreements which are on the horizon, and which must be negotiated in the next 6 months, can be kept out of Congress.

I also hope that the President will shortly make good on the promise he made in his state of the Union message, to send down permanent legislation dealing with national emergency strikes. I hope such legislation will be carefully considered by the relevant committees of Congress, and enacted into law before we adjourn this year. It may well be needed, by reason of the many negotiations which we already know are moving slowly but surely to a critical situation.

Therefore, Mr. President, for the reasons I have stated, I very much hope that the committee resolution will be passed. With that thought, I am prepared to yield the floor.

Mr. PASTORE. Mr. President, will the Senator yield for one further question? That will complete my interrogation of the Senator from Pennsylvania.

Mr. CLARK. I am happy to yield.

Mr. PASTORE. Is it not a fact that should this strike endure long enough, the trunklines involved, if their financial picture became serious enough, would under existing law be entitled to Government subsidies?

Mr. CLARK. The answer is "yes."

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, I rise to speak in support of Senate Joint Resolution 186 reported to the Senate by the Committee on Labor and Public Welfare.

Our committee has put in long hours of hard work since last Wednesday considering what would be the best possible means of coping with the current airline strike. In my opinion, the committee has done a fine job of drafting legislation under extreme pressure and emotional tension and, I might add, without overwhelming cooperation from the administration. I believe that the reported bill is a good bill, and should be passed as expeditiously as possible, although I do think that the 180-day provision in the resolution is much too long.

We have been criticized editorially in the press, and also by some of our colleagues, for recommending a measure which requires the President to activate the emergency powers which it contains by issuance of an Executive order or orders. We have been told that this constitutes "buckpassing," and that we should provide for the emergency powers to become effective immediately and automatically upon the President's approval of the joint resolution.

I do not believe that this criticism is well founded or justified. The hearings on this resolution show clearly that the administration has been playing both sides of the street for what must be purely political purposes. Any "buckpassing" which has been engaged in has been done by the administration in seeking to have Congress enact emergency legislation without taking a position on the record as to whether such legislation is necessary or desirable. I can recall no major piece of legislation that has ever been considered by the Congress where the administration has failed and refused to take a formal position as to whether it favored or was opposed to such legislation.

Early last week our committee was advised that the administration would seek emergency powers to halt the airlines strike on the ground that there was a national emergency or that continuation of the strike would endanger the national health, welfare, or safety. This was the standard contained in the original resolution introduced by the distinguished senior Senator from Oregon [Mr. MORSE], Senate Joint Resolution 181.

The Secretary of Labor testified before our committee last Wednesday. Contrary to what we had been led to believe was the administration's position, the Secretary testified that there was no national emergency, that there was no danger to the national health, safety, or welfare and that there was no present necessity for legislating emergency powers to deal with the airlines strike.

In the first instance, then, we have the administration testifying against a resolution supposedly introduced at its request, and which according to rumor was drafted by the Department of Justice. When this question was raised at the hearing, Senator MORSE stated:

> As a witness I want the record to show that I assume full responsibility for Senate Joint Resolution 181.

While I deeply admire and respect the senior Senator from Oregon, this obviously was not a responsive answer.

I am convinced that a resolution would have been reported to the Senate last Thursday by a practically unanimous vote of the committee, probably in the mandatory form desired by my friend, the Senator from Oregon [Mr. MORSE], had the administration taken the position through the testimony of the Secretary of Labor that a national emergency existed or that the national health, welfare, or safety was involved.

Following last Wednesday's testimony Senator MORSE amended Senate Joint Resolution 181 when the committee met in executive session. The national emergency test was deleted and replaced by a finding that the labor dispute threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services. Secretary Wirtz did testify that the facts existed to warrant this congressional finding.

As we all know, the parties reached agreement on the terms of the new contract last Friday evening following the personal intervention of President Johnson, the terms of which agreement were rejected by the union's membership in a ratification vote on Sunday.

Yesterday afternoon the Secretary of Labor again testified before our committee. He acknowledged that all the avenues of approach which he had felt were open last Wednesday when he recommended that our committee delay action had been exhausted and that he did not believe that an immediate voluntary settlement of the labor dispute was possible. He further stated that, in his opinion, the process of free collective bargaining had taken a tremendous kick in the teeth, with which conclusion I agree.

He continued to maintain the position, however, that there was no national emergency, and that the national interest in health, welfare, or safety still did not warrant the enactment of emergency legislation.

In fairness to the Secretary, his testimony indicates overall that there is a necessity for some kind of action because of the substantial interruption of interstate commerce which has occurred. He also stated clearly that the national interest becomes more deeply involved with every day that passes without an end to the airlines strike.

However, despite repeated direct questioning from members of both political parties, the Secretary refused to take a position as to whether he felt the time had come for legislation or as to whether the administration desired the Congress to enact emergency legislation immediately or at a later date. As I have already stated, I know of no instance when an administration had refused to take a position either for or against a piece of pending, major legislation.

In view of the facts which I have discussed, I conclude that the committee is entirely warranted in providing that the emergency powers contained in this resolution shall become effective only when invoked by the President through issuance of Executive order or orders.

I have no hesitancy in granting the President authority to invoke a special mediation board based upon our finding that this labor dispute threatens substantially to interfere with interstate commerce to a degree such as to deprive any section of the country of essential transportation services. I have grave reservations, however, about ordering striking employees back to work upon such a finding by Congress when the administration takes the position that the

national interest is not involved. I believe that it would be entirely improper for Congress to automatically direct the strikers to return to work upon such a finding when the administration refuses to take the position that it wants this legislation at the present time.

It has been said by the Secretary of Labor and certain of my colleagues that the issuance of an Executive order under this resolution constitutes nothing more than a ministerial act. I strongly disagree with this conclusion. Under the resolution reported by the committee, Congress makes the findings necessary to order a termination of the strike. In view of the administration's failure and refusal to take a position as to the necessity of this legislation, however, I believe it entirely proper to leave it to the President's discretion to determine when and if such powers should be invoked. I believe that this will require the exercise of sound judgment by the President far exceeding his engaging in a purely ministerial act.

Turning to the substance of the resolution reported by the committee, I do not agree with those who say that its procedures constitute a departure from those embodied in the Railway Labor Act.

Section 10 of the Railway Labor Act provides that the mediation board shall notify the President if, in its judgment, a dispute between a carrier and its employees threatens to substantially interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services.

Senate Joint Resolution 186 contains a congressional finding to this effect, and a further finding by Congress that emergency measures are essential to the settlement of the dispute and to the security and continuity of transportation services by the carriers involved.

Under section 10 of the Railway Labor Act, upon notification by the mediation board that such a labor dispute exists, the President may create an emergency board to investigate and report concerning the merits of the labor dispute. It is important to note that the Railway Labor Act does not require the President to create an emergency board and that this is left entirely to his discretion. However, the original 30-day prohibition against strikes and unilateral changes in terms and conditions of employment does not become effective unless the President in fact creates an emergency board.

Under the Railway Labor Act, an emergency board is required to report to the President 30 days after its creation. There is then a second 30-day period during which no strikes may occur.

Let us compare this with the provisions of Senate Joint Resolution 186. Under this resolution the President may in his discretion prohibit strikes and changes in terms or conditions of employment for a total period of time not to exceed 180 days. He may also, if he so desires, convene a Special Airline Dispute Board to engage in further mediation. The findings necessary for this action are made by Congress under this resolution as they are made by the mediation board under the Railway Labor Act.

The only substantial difference that I can see in the committee's approach is that the President may, under Senate Joint Resolution 186, invoke the emergency ban on strikes, lockouts, and unilateral changes in terms and conditions of employment without first or at the same time creating a special airline dispute board. This was done, however, to permit the President to continue to use the mediation board and the Secretary of Labor in his attempts to resolve this labor dispute if he preferred this approach to the creation of another special board.

Under the resolution, the President may invoke the emergency powers contained therein to stop the airlines strike, and may then await developments for whatever period of time he desires before creating the Special Board. To the extent that the labor dispute may be settled without the creation of another Special Board after the strike has been terminated, the resolution gives the President more flexibility than he is granted under section 10 of the Railway Labor Act.

Under the resolution, if a Special Airlines Dispute Board is created by the President, it must submit a report containing findings and recommendations to the President 30 days prior to the expiration of the maximum period covered by this emergency legislation. This likewise is consistent with the provision in the Railway Labor Act prohibiting a strike for 30 days after the report of the Emergency Board is submitted to the President.

In view of the positions taken by the Secretary of Labor last Wednesday and yesterday in his testimony before our committee, I regret that the Secretary of Commerce and the Secretary of Defense were not also called as witnesses.

However, Mr. President, even on the basis of the testimony before our committee, I cannot agree with the Secretary of Labor's conclusion that the national interest is not involved at the present time. My action on this resolution has been strongly influenced by my conclusion that there is imminent danger to the national health, welfare, and safety.

I do not base my conclusion strictly on the inconvenience being caused business and private passengers, nor upon the losses being incurred in related industries such as hotels and restaurants. The record of our hearing is now available and I do not wish to repeat its contents at length.

It is clear, however, that vital drug supplies and other medicines are not being moved. It is clear that there has been a substantial impact upon defense contractors required to move personnel from one section of the country to another on a timely basis. The record is replete with other indicia of an impending emergency. I am not trying to be an alarmist, but the record leaves the clear implication that the welfare and safety of those members of the public who are continuing to fly is becoming increasingly involved due to the many, many additional flights now being flown by airlines whose employees are not on strike.

To summarize my feelings I believe that this emergency legislation is needed immediately because I am convinced that the national interest is already involved.

I would like to direct a few remarks to my many friends in organized labor. I urge them to act responsibly in their collective bargaining endeavors, and to consider their actions in terms of the public good as well as in terms of benefits to the employees which they represent.

On principle, I am opposed to any legislation which prohibits, denies, or impedes a union from engaging in a legitimate economic strike. This is so even where, as here, I believe that the union is completely wrong and should never have called the strike in the first place. I realize the crippling effect that removing the right to strike has when the parties sit down at the bargaining table.

But, in a larger sense, I am afraid of what may come from precedents of this type. Many segments of the public and a substantial number of Congressmen have already expressed their desire for compulsory arbitration, at least in transportation and communication industries subject to governmental control.

I understand that both management and organized labor are completely against compulsory arbitration. They should be made aware, however, that support for this concept has gone far beyond the point of mere talk.

I am unalterably opposed to compulsory arbitration. I know that if compulsory arbitration comes to Government-regulated industries, it will be that much easier to take the next step and apply it to our basic industries, and to then take the final step and apply it to free enterprise generally. The result obviously will be the end of free collective bargaining as we have known it, which has been greatly responsible for making our Nation the economic giant it is and for giving our people one of the highest standards of living the world has ever known.

For all these reasons, I regret deeply when a segment of organized labor engages in irresponsible conduct which arouses the emotions of the general public to a degree where they begin clamoring for this type of legislation.

I say in all sincerity to the leaders of organized labor, that if this emergency legislation is passed and is fully utilized without a settlement between the union and the carriers, I am convinced that resumption of the strike will result in the introduction, consideration, and possible enactment of compulsory arbitration legislation.

I have not dealt with the inflationary aspects of the union's demands, because I do not feel that this is a proper consideration upon which to base this type of legislation. However, I agree with the statement of the senior Senator from Oregon at the hearings on this matter, that—

This is not only a bellwether case of this union, this is a bellwether case of many unions in this country. You are dealing here not only with the Machinists Union;

you are dealing here in this case with the obvious strategy on the parts of a large section of organized labor to break the inflationary controls.

So I say to organized labor that there are two major concepts which you must consider in contract negotiations which transcend the immediate gains sought for your members. First, you must consider the public and the public's interest before engaging in work stoppages such as the one presently under consideration. Second, you must consider the possible inflationary aspects of your demands as they relate to the general economy and the general welfare of our country. A failure to act responsibly in the former area may well result in compulsory arbitration, while a failure in the latter area must inevitably result in the future imposition of governmental wage and price controls. Either way, both organized labor and free enterprise will suffer a serious setback over the long run.

Mr. President, in view of the circumstances that exist today I urge prompt passage of the resolution reported by the Labor and Public Welfare Committee, to get the airplanes of this Nation flying again.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. GRIFFIN. I wish to commend the Senator on his excellent statement, and I should like to associate myself generally with what he has said.

Viewed purely on the merits, aside from the political considerations which seem to have creeped into the discussion, and considering what would be best for the future of collective bargaining, I wonder if the Senator agrees with me that it would be a grave mistake—whether the President wishes us to do so or not—for Congress by legislation to order the airline employees back to work under an inflexible 180-day order. That would be for a 6-month period, without any flexibility in the hands of the President.

Mr. PROUTY. I could not agree more with the Senator.

In a sense, such legislation adopted by Congress certainly would be interpreted by large segments of organized labor as strikebreaking legislation. That is the last thing we wish. However, inflexibly prolonging the ban against striking for 180 days comes pretty close to such action. Obviously, if the Machinists Union or any other union is forced back to work, its bargaining position is not nearly as good as it is when it is on strike or when the threat of a strike is present. I do not want to take the responsibility for prohibiting an otherwise lawful economic strike for 6 months in the present circumstances.

Mr. GRIFFIN. It seems to me that the best way to achieve any success in reaching an agreement between the parties is to leave some flexibility in the hands of the administration, which is necessarily required to deal with the problem on a day-to-day basis. Congress cannot deal with such a problem on a day-to-day basis. We deliberate and then we pass a law. After the law is on the books, the administration must still deal with the situation on a day-to-day basis.

It seems to me that it would be wise for the Congress to pass authorizing legislation which would give the administration some tools and some flexibility with which to deal with the situation in the hope that the parties will come together and reach an agreement. After all, our ultimate objective should be an agreement—not some order by Congress that will force the workers back to work under an inflexible 180-day order. This would not achieve the result that the Nation desires.

Mr. PROUTY. The Senator and I are in complete agreement.

Certainly, the administration is in a position to have access to all the facts, to make determinations, and to exercise persuasion, if that seems desirable, and to bring the parties together. Congress is not in a position to do that in a joint resolution, and I agree that the degree of discretion and flexibility to which you refer is highly desirable.

Mr. GRIFFIN. A further question to consider is whether the workers would be more likely to go back to work if Congress ordered them back, or if Congress passed authorizing legislation under which the President, exercising that authority, based on the national interest, could then require them to resume working. I am not sure of the answer to that question. However, it is my opinion that the workers would be more likely to go back to work in response to the President's execution of such an order.

Mr. PROUTY. I believe that the employees would go back to work under either method, but in the absence of the administration's taking an affirmative position that the national interest is involved, I agree that they would do so with less grumbling if the directions came from the President.

Mr. GRIFFIN. I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COOPER. I respect the judgment of the Senator from Vermont, Senator PROUTY and the Senator from Michigan, Senator GRIFFIN. They serve on this committee and I am familiar with their faithful work to secure a fair resolution. But as I noted in an earlier colloquy with the Senator from Pennsylvania, Senator CLARK, one argument is difficult for me to follow as I see no difference in enacting legislation which would restrict strikes or lockouts whether the power is exercised by the Congress or the President.

We are reluctant, and properly so, to pass legislation which would prohibit or restrict strikes and lockouts. All of us feel the same way about such legislation for many reasons. We believe it impedes the process of collective bargaining. And also, most important, we do not like to tell men that they cannot strike; work or not work, as they please; that they cannot use their bargaining power.

Yet I cannot see much difference between the two joint resolutions in this respect. Both prohibit strikes or lockouts for a certain period of time. Under one, Congress itself prohibits the strike or lockout—under the other—Congress authorizes the President to do so.

Mr. PROUTY. Is the Senator referring to Senate Joint Resolution 181?

Mr. COOPER. Yes.

Mr. PROUTY. Senate Joint Resolution 186, which I am supporting, does not do that.

Mr. COOPER. I know the Senator is correct, but the joint resolution reported by the committee, Senate Joint Resolution 186, provides that the President may act, and thereupon a strike or a lockout would be prohibited. That is correct, is it not?

Mr. PROUTY. If the President finds that to be desirable.

Mr. COOPER. The other proposal, introduced by the Senator from Oregon [Mr. MORSE], which may be submitted as a substitute provides that immediately upon approval of the joint resolution, a strike or a lockout would be prohibited for, as I recall, 180 days, unless the dispute is settled.

Mr. PROUTY. I am very much opposed to the Morse joint resolution. It is not flexible and has not been requested by the administration, although the Secretary favors it over the bill reported by the committee. It prohibits a strike for 6 months.

Mr. COOPER. I do not see much difference. In one case, we would write legislation prohibiting a strike or a lockout during a specified time—or until a settlement is reached though bargaining.

In the other case, we use exactly the same langauge, but leave to the President the decision to prohibit the strike or a lockout.

Mr. PROUTY. We leave it to the discretion of the President, where I think it should be, when the President has not indicated he even wants emergency powers at this time. The President is able to take a much more flexible position under the committee resolution directing him to take action than that which could be taken under the Morse resolution.

Mr. COOPER. But then we are in a circle. We are acting in an emergency, upon the ground that airline transportation should be maintained. We would make a such finding but at the same time provide that nothing should be done unless the President finds that it should be done.

Mr. PROUTY. Under Senate Joint Resolution 186, the President does not have to utilize the 180 days; he may designate a 3-day or a 10-day period, or any other periods of time up to a total of 180 days.

Mr. COOPER. I see one possibility of difference between the two joint resolutions. If the President is given the authority, we would assume that he would quickly try to bring the parties together, and it might not be necessary to invoke the strike prohibition. I can see that possible difference, but I must say that I am not much impressed by the argument that we are not writing temporary legislation which will prohibit a strike or a lockout. If there is an emergency and the need for action. I do

not see why we should abrogate our responsibility to the President.

Mr. PROUTY. If the Senator is referring to some kind of permanent legislation which would relate to labor disputes generally, that may be a point well taken. But in this instance we are dealing only with a specific dispute; we are not seeking to write general legislation.

Mr. COOPER. We are not dealing with general legislation. We are dealing with a specific situation—the airlines strike. I say with great deference that, on the one hand, we are saying that a great emergency exists and ought to be dealt with, if the President declares that it should be dealt with——

Mr. PROUTY. The administration has not suggested that a national emergency exists or that the national interest is imperiled at the present time. Had any representative of the administration appeared before the committee and so testified, I am sure that the Morse resolution would have been reported immediately.

Mr. SMATHERS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). Does the Senator yield?

Mr. PROUTY. I yield.

Mr. SMATHERS. Did not the Secretary of Labor say, however, when he first testified, that if the conditions that existed then continued we would have a national emergency?

Mr. PROUTY. I do not think that he said it in those terms. He may have said it in connection with some remote time in the future. He did not say it yesterday.

Mr. SMATHERS. No; he did not put a time limit on it, but he said that it would be a national emergency. How long do we have to suffer inconvenience and severe economic disruption before we act?

Mr. PROUTY. If this resolution is passed, we will permit the President to determine when the national interest requires action.

Mr. SMATHERS. The airlines have lost $150 million. One hundred-fifty thousand would-be air travelers have suffered every single day since the strike began. As the able Senator from West Virginia pointed out, and contrary to what has been suggested, not only have Congressmen, corporate executives, and movie moguls been inconvenienced, but there are many students who ride the airlines, teachers on vacation who would like to ride the airlines, and many other people who would like to ride the airlines. To say that they can ride buses, and that the strike is not really so serious is incorrect. The fact is that buses and trains can not fully absorb all the travelers that would normally be flying. People need the airlines. They are being discommoded and inconvenienced; but worse than that our health and economy are being affected at a time when they cannot stand a solar plexus blow.

Mr. PROUTY. I thank the Senator. I think the Senator is correct, but the Secretary of Labor has not told us that and no representative of the administration has suggested that. We asked the Secretary time and time again and we did not get a response to the effect that the administration considers this an emergency.

Mr. SMATHERS. Does not the Senator from Vermont [Mr. PROUTY] recall that article 1, section 8 of the Constitution says that the Congress has jurisdiction over interstate and foreign commerce. We have a responsibility in matters concerning interstate commerce. It is true that the President may have some responsibility but, as I recall, we are always complaining that some other agency of the Government is taking away our authority.

Mr. PROUTY. We are not giving the President much more flexibility than he already has under the Railway Labor Act.

Mr. SMATHERS. Why do we not act? We have the authority, do we not?

Mr. PROUTY. I am not willing to act in a mandatory fashion at the present time unless the President or his representatives tell us that the national interest is affected and that the administration desires legislation.

Mr. SMATHERS. Is the Senator going to maintain that position on all legislation which comes before us? Is he going to suggest that the Congress wait until the President tells us what to do before we do it?

Mr. PROUTY. I believe that the President has that responsibility. This strike has been going on for some months.

Mr. SMATHERS. And negotiations for 1 year, or since August 9.

Mr. PROUTY. One year.

Mr. SMATHERS. That is why it is not going to be settled in the next 4 or 5 days unless Congress acts. Congress has the duty to act and certainly we have the authority to act.

Mr. PROUTY. But we should move very carefully when we interfere with the right to strike, unless we change the laws and abolish free collective bargaining.

If Congress were to pass compulsory arbitration legislation, as some have suggested, I think free collective bargaining would be brought to an end. If we give the President sufficient flexibility to work these things out, I think we will have made real progress, and will have protected and preserved collective bargaining, at least for the time being.

Mr. SMATHERS. Would the Senator agree that a year to negotiate is a reasonable length of time?

Mr. PROUTY. It would seem so to me, but I have not had access to all of the facts and the information which has been available to the administration.

Mr. DOMINICK. Mr. President, I have been following this colloquy between my good friends, the Senator from Vermont [Mr. PROUTY] and the Senator from Florida [Mr. SMATHERS] with a great deal of interest. Prior to this time I had a colloquy with the Senator from Pennsylvania [Mr. CLARK].

I wish that the Senator from Rhode Island [Mr. PASTORE] had been here at that time. I see that once again he has had to go elsewhere.

I think that there is a middle ground, Mr. President, and I think that this is what we have lost sight of. I have great respect for the Senator from Vermont [Mr. PROUTY]. I know that he is sincere and a hard and able worker in this field, but I do not agree with him. I think that we are moving the wrong way when we abrogate our responsibility and shift the burden to the executive branch.

It strikes me that this is not following our responsibility to the public.

In the airline industry, in the railroad industry, and in a good many other transportation industries, we are dealing with something which has been declared by Congress, and in the history of the country has been determined to be, essential to the general public and the national interest.

When there is a regulated industry of this kind in which, as in the airline industry, rates are controlled, routes are controlled, profits are controlled, safety features are controlled, and the type of equipment that can be used is carefully controlled, I think we have a different situation, in that our responsibility as Senators is neither to the airlines nor to the unions, but to the public; the public as a whole. Our responsibiliy is to those who use the airlines as a basic means of transportation both for passenger as well as cargo purposes.

It seems to me Mr. President, that we have an obligation to exercise that responsibility.

Consequently, I am totally unwilling to degrade the Congress by saying that we have found that this is an essential transportation breakdown, but not do anything about it, and instead turn it over to the President, so that he can do something about it, if he so chooses. I do not believe that this is the correct approach.

How long has this been going on? This strike is nothing new. It started in August of 1965, as the Senator from Florida [Mr. SMATHERS] stated. Negotiations started, and when the contract was going to be terminated they tried to get together to settle some issues, but not all. As it came into this year, it became more and more apparent that the issues were not going to be solved by negotiations. The National Mediation Board moved in. In April, after it had been declared that there had been a breakdown in essential transportation services in the country, a Presidential Emergency Board was appointed. The Presidential Emergency Board under the Senator from Oregon [Mr. MORSE], with two other highly qualified men in the labor field, worked over this problem at length and issued its report and recommended a settlement. The airlines accepted the proposal. The union turned it down. That is, of course, the prerogative of the union. This is what started the strike situation.

Thus, there has been the finding of the National Mediation Board, and a finding by the President, that essential transportation services have broken down. The President and the National Mediation Board have just determined the same thing. A new Presidential Emergency Board has been appointed in the case of the American Airlines threatened dispute, which I hope will never come to a strike.

Thus, we have as a background a series of findings by the White House, by the Department of Labor, and by the National Mediation Board that there are many severe problems in the transportation field—the airlines transportation field in particular.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. I am reading from page 2 of the resolution reported by the committee, on line 3:

That or procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute.

That is a fact, is it not, that under all of the procedures provided by the Railway Labor Act they have been exhausted?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. The language continues:

including a report and recommendations of the emergency board No. 166.

That is the Morse Board; is that correct?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. Continuing to read:

a proffer of arbitration and mediation with the parties by the National Mediation Board.

That means the National Mediation Board said that it would arbitrate or mediate, and that has been exhausted?

Mr. DOMINICK. Yes. I would say that it has not been wholly exhausted. Arbitration, as I understand it, has been turned down. Mediation is still going on with the Labor Board and with the National Mediation Board.

Mr. LAUSCHE. I concur with that.

Also, on line 9 of the bill on page 2, there is the following language:

further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner . . .

That is what the committee has said?

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. Now, on line 15, page 2, it states:

The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. A moment ago, the Senator made the statement that we find transportation paralyzed and local communities prejudicially affected economically, but then we refuse to do anything.

Mr. DOMINICK. Under the resolution, we turn it over to the President.

Mr. LAUSCHE. Turn it over to the President.

Mr. DOMINICK. Which I cannot wholly support. That is why I wrote my individual views.

Mr. LAUSCHE. I thank the Senator very much for his answers.

Mr. DOMINICK. I thank the Senator from Ohio for highlighting these points. I want to continue, Mr. President, by pointing out some of the testimony which I think is important which Secretary Wirtz gave to us last Wednesday when he first came before the committee. I am not going to read very much, but I will read from the summary, because I believe that the RECORD should show it and many people will be interested in reading the Secretary's statements.

I quote from page 9 of the hearings:

I would sum up the situation this way:

1. This strike has of course a direct and unquestionably serious impact on the companies and on their employees.

2. It has caused extensive disruption and inconvenience in air travel and transport generally.

3. It has hurt particular businesses and particular areas badly.

4. It has had a marked but not large scale effect on the economy generally.

5. It has slowed up the Postal Service significantly.

6. It has not affected the defense or military effort materially.

And I want to emphasize this—

7. There are definite signs of increasing loss, cost, inconvenience, and possible danger.

Now, Mr. President, I report that in the RECORD because that was last Wednesday.

The strike continues.

One of the problems we have is with respect to the other airlines which are still operating and trying to take up some of the load. There is a rule in the Federal Aviation Authority that pilots cannot fly for more than 80 hours a month, I believe it is. In their effort to take up this load, more scheduling has occurred and greater efforts have been made on the part of the other airlines. In many cases, they are finding that there are pilots disqualified from continuing to fly, under FAA regulations, as the end of the month approaches. Therefore, they have to cut back on their schedules and this is making it more and more difficult. As to maintenance of aircraft, where other airlines have increased schedules to the maximum extent possible, it is very difficult for the employees of the airlines to make sure that maintenance is being carried on properly.

The employees involved in this work are fine people and highly qualified and I sympathize with their desire to try to get a higher wage. I see no reason why they should not receive higher wages with the increase in productivity which has come to the airlines; but, I do not want to get into the merits of the actual dispute, nor does it seem to me that that is our function in Congress.

As I said earlier, our function is to try to do something to take care of the public interest which is involved in this particular problem.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question at that point?

Mr. DOMINICK. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. So far as I am concerned, there is a paradox in the testimony given by the Secretary of Labor, Mr. Wirtz, with his ultimate refusal to make any specific recommendations. My understanding is that he testified yesterday he feels that the problem will not be solved unless legislation is adopted, but he does not recommend legislation. Moreover, he does not want the failure to recommend legislation to be construed that he is against it.

Mr. DOMINICK. I think that is entirely accurate. That entertained me at the time he said it and I believe that it entertained the whole committee.

Mr. LAUSCHE. I simply do not understand that.

Mr. DOMINICK. That was a wide-legged straddle of a very precarious fence.

Mr. LAUSCHE. My question is: Understanding that Secretary Wirtz and others have refused to recommend anything, does that alter our responsibility as Members of Congress to take the necessary action to remedy the wrong which is being perpetrated on the national economy?

Mr. DOMINICK. I do not think it changes our responsibility, because I think we had the responsibility from the beginning to legislate, but do think it points it up and points it up succinctly.

I might say there was an interesting shift in position on the part of the administration between the time the Secretary testified last Wednesday and the time he testified yesterday.

As of last Wednesday, when we were considering legislation, he stated he thought if we should hold up, because there were significant signs of progress in the negotiations and that the collective bargaining system should have one last clear chance.

We held up. Some of us were reluctant to do so, because we did not think we were going to get a settlement. Nevertheless, a settlement was agreed to on Friday evening.

The interesting thing is that when the Secretary came back to testify yesterday, after the union had rejected the settlement, he no longer said he did not want any legislation. He simply took the position of "Hands off. I am not going to touch it at all." He said, "I am not going to recommend against it; I am not going to recommend for it." But he also said, and he said it carefully, and I hope I am not misstating the tenor of what he said, that he could see no such significant sign of a hope for a settlement as he did Wednesday. What he indicated, to me, was that there was nothing in the immediate future that would give him reason to tell the committee that if we did not pass legislation, the parties would settle the dispute.

This is pretty well borne out. When there is a situation of a dispute which has lasted a year and a strike has finally resulted, someone should take action and inject new stimulus.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. I have listened to the argument this afternoon that the administration refuses to make a recommendation. I have my own answer as to what principle shall guide me in my ultimate determination. But I ask the Senator

from Colorado, How does he answer the argument that "Inasmuch as the administration refuses to take a step, why should the Congress?"

Mr. DOMINICK. I think we need only consider what has occurred from the time of the appointment of the presidential emergency board, the testimony before the committee, as well as the observations of any Senator who has tried to travel anywhere. My office is piled up with mail, including that from employees of the airlines on strike, asking me to "Please do something." It is therefore our responsibility here, where it belongs, to do something about it. I think the failure of the President and his administration to give a recommendation is awful. There is no excuse for it. I think they have fallen flat in this area. I can only assume why they have not made recommendations. I do not want to impute any particular motives, but labor does want to stand firm. It wants to hold whatever economic power can be exercised by it.

Mr. LAUSCHE. Regardless of what Secretary Wirtz has failed to recommend, I believe Congress has a responsibility of its own. We should not confess that we will do only those things—nothing else—that the administration recommends.

Mr. DOMINICK. I completely agree with the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator for yielding.

Mr. DOMINICK. I wish to make a few more comments.

In view of the fact that the President has made no recommendation, I suppose it is still open as to whether he would take any action. That could leave the whole country in confusion once again.

The administration has stated in committee—and I say this to the Senator from Pennsylvania—that it does not like the Clark resolution, Senate Joint Resolution 186, and that if faced with a choice, it would prefer the Morse resolution, Senate Joint Resolution 181, somewhat modified. I suppose what it is in effect saying is, "We prefer to have Congress take responsibility and move in."

But there is the problem of Senate Joint Resolution 181, the Morse resolution. It provides that Congress will say to the union members that they must go back to work in a mandatory form for 6 months. I cannot support that kind of determination. I do not think we should put a mandamus on the working people of this country for that period of time. Therefore, I could not support that resolution any more than I could support the Clark resolution.

I think there is room for compromise. This is the point I made and tried to bring up over and over again in the committee, and we had some close votes on it. There is room for compromise by having Congress exercise its responsibility and say, "We think you are reasonable people. You have got to go back to work and at the same time negotiate, but you must go back to work for a period of 30 days, or 60 days, but no more than 60 days." At the end of that time, if the dispute has not been settled, the President will look at the circumstances as they then are, and, if he so decides, he can keep the transportation industry moving, and he can keep the men working and continue the negotiations, for up to 120 additional days, if that is what he wants.

I have prepared an amendment which reinstates the cooling off period of the Railway Labor Act for 60 days, effective immediately when the President signs the joint resolution. Then it can be extended for periods, to give it flexibility, by the President, but for a total not to exceed 120 additional days.

That will bring it back to the new Congress when it convenes if nothing has been settled in the meantime. Congress could then take action if nothing had been settled.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CLARK. I am interested in the mathematics used by the Senator. Did I understand the total to be 120 days?

Mr. DOMINICK. No; 180 days.

Mr. CLARK. That would bring it into February.

Mr. DOMINICK. It would be for as long as 180 days. I am not exactly sure how long that would be.

Mr. CLARK. It would take it into February.

Mr. DOMINICK. He does not have to invoke it for that long. If the President decided to invoke it only for 10 days, he could call Congress back into session. But my proposal does not require a 180-day period, and it does not pass the buck to the President. My proposal provides that Congress takes authority, and after a period of 60 days, the President could go forward.

Mr. President, having explained my amendment, I now send it to the desk. I shall not call it up at this time, but I send it to the desk so that it will be before us.

I ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie at the desk.

Mr. DOMINICK. Mr. President, I want to talk a little about the special board. It seems to me there is some doubt as to why a Special Airline Dispute Board should be established. I suppose the purpose of providing for it was to inject something new into the argument between the parties, but at least under the amendment as I have proposed it, if it is accepted as part of the legislation, the Special Airline Dispute Board would come into the picture after the 60-day period, after the President has acted, first, to put the people back to work for a further period of time, and, second, put the board into operation.

This would give the National Mediation Board and the ordinary labor negotiators the opportunity to continue negotiations.

I do not think, Mr. President, that this dispute will last long after Congress has taken action. I think within a very short time we will have a settlement; because most of the employees want to go back to work. If the settlement had been explained to them fully, I think they would have gone back to work last time; for my guess is that in rejecting the settlement they were simply saying, "We are not going to be bossed around by the White House, and we are going to reject something which has been pushed upon us in this fashion."

Mr. President, I hope we can take action very soon. The Senate is a great body. I have vast respect for the Senators who hold differing viewpoints. But I do not think we are likely to pass any resolution, either the Clark resolution or the Morse resolution, unless we can reach some compromise. I hope that what I have sent to the desk may prove to be one possible form of compromise.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I was one of the architects of the plan which is finally before the Senate in the form of the Clark resolution—Senate Joint Resolution 186. I should like to lay before the Senate the considerations which went into the development of that resolution, what it means, what we hope for it, and what are the possible areas for bringing about the maximum consensus it is possible for the Senate to reach.

First, Mr. President, it was and is very clear—as I am sure has been discussed heretofore—that there is no legal authority on the books for the President of the United States to use. There is nothing he can do now except try to bring the parties together by mediation.

Second, we have here a situation which is not an emergency involving the national health and safety as yet—though it may become such an emergency—and therefore it does not meet what is commonly referred to as the Taft-Hartley standard. But the facts certainly warrant a finding that the dispute threatens substantially to interrupt interstate commerce to such a degree as to deprive any section of the country of essential transportation services; so it fully qualifies, and continues to qualify, under the Railway Labor Act—upon which the resolution before us is essentially based—as an emergency situation.

Among the substantive points which appeal most to me is the fact that Congress has had to proceed pretty much on its own. Unbelievably, to me, the administration did not come in with any recommendation at all. In the situation in which the country finds itself, the Railway Labor Act inhibits a continuing strike. Nonetheless, because the law has run out, there is a strike, notwithstanding the declared policy of the Nation that under such circumstances there should not be one. That being the situation, one would certainly expect that the President would recommend to Congress what he felt was needed to fill in the vacuum left by the state of the law. But try as we would, on both sides of the aisle, it was impossible to obtain from the Secretary

of Labor—as he was obviously uninstructed—any recommendation whatever. We had only the most general personal ideas upon which to proceed—except that it has been communicated to us by various and sundry means that the administration much prefers the Morse resolution to the Clark resolution.

But in the absence of recommendations—and I deeply feel that this lack represents a real failure on the part of the administration to shoulder its responsibility—the mere fact that it is believed that the administration would prefer the Morse proposal to the Clark proposal, without assigning any good reason therefor, Mr. President, aside from perhaps the political reason that the President would not like to exercise this authority himself, leaves us, I think, in the position where Congress is very much on its own as to what it may decide to do.

The other problem we face is that there is no assurance, if we give the President the authority contained in the Clark resolution, that he will use it. This, I believe, is a very critical point as far as Congress is concerned, because it seems to me that it would be really demeaning for Congress to pass legislation of this character, giving authority to bring the men back to work, with no assurance whatever that the authority would be utilized by the President. But we could obtain no such assurance from the Secretary of Labor.

Under those circumstances, Mr. President, the question was, "What shall we do?"

My own opinion, based upon the extended efforts which we made in the committee, was that the optimum solution would be to utilize the entirely warranted finding that there is a substantial interruption of essential transportation service as the basis for continuing the provision of the Railway Labor Act which automatically inhibits a strike or a lockout as long as the mediation procedures and emergency board procedures provided under that law are operating and for 30 days thereafter; and that this would result in an automatic requirement in the legislation that the work stoppage be ended.

I have, however, felt that 6 months of inflexibility on that score was much too long. After some consideration of the matter, the optimum period seemed to me to be something in the area of 30 to 60 days. The suggestion made here by the Senator from Colorado [Mr. DOMINICK] and made in the committee by the Senator from Arizona [Mr. FANNIN] seemed to me to be entirely in accord with the law and the facts, if such period were succeeded by two additional periods, to be invoked if the President determined that the conditions under which Congress invoked the first period still continued—a provision very similar in theory to the Clark resolution.

But, Mr. President, it was impossible to obtain a consensus in the committee, or a majority adequate to report out such legislation, even though logic dictated that that was the way in which the matter should be handled. The reporting of such a measure being impossible, though it followed logic, the law, and the legal precedents as we saw them, we did the next best thing. We did that which it was possible to get the committee to support, and reported the resolution which is here sponsored by the Senator from Pennsylvania [Mr. CLARK].

I may say that a tentative measure before the committee at the end of last week provided for a similar period of time, but divided into three installments of 60 days each, all of which were to be triggered, as it were, by the President. This was the development for which the Senator from Michigan [Mr. GRIFFIN] and I were responsible—were the architects—solely for the purpose of getting a consensus in committee, as it seemed to command a consensus.

But when the Secretary of Labor testified, as he did before the committee on Monday—and this was the only clue he gave us—that the administration preferred to deal with a total period of 180 days rather than individual periods of 60 days, it was that alternative which developed the consensus, and that was what the committee reported to the Senate.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CLARK. The Senator from New York was originally a cosponsor of the original Morse amendment, was he not?

Mr. JAVITS. Yes, I was—of the Morse proposal.

Mr. CLARK. In the course of the deliberations in committee, the Senator from New York was one of those who voted for the committee proposal, was he not?

Mr. JAVITS. That is correct.

Mr. CLARK. Do I now understand that the Senator has had a third change of mind, and has a third alternative?

Mr. JAVITS. No, the Senator from New York has none, because he voted in committee, not once, but several times, for the 60-day mandatory period. The Senator from New York has been consistent in the fact that it is an optimum plan. I have always said so, have always maintained that, and have voted in that way consistently.

Mr. CLARK. That was not the original Morse proposal.

Mr. JAVITS. That was not the original Morse proposal, but I favored the Morse proposal, so far because it had a recital of a national emergency. However, we could not get evidence to sustain such a recital. Therefore, I believed we had to have some modification of the terms of the proposal itself. The modification that I thought was best, and the one that I supported by my vote consistently, was a 60-day mandatory period, with two additional extensions to be given to the President.

I still think that that is the optimum, but I also believed very deeply that the Senate was under a duty to act in this matter. In my judgment, the proposal we have brought to the Senate is a feasible and practical one. It gives the Senate an opportunity to act and to deal with what is a complete vacuum in the law. Therefore, I supported it and do support it now. But this does not, as it did not in committee, prevent me from supporting an optimum plan, if it is submitted to the Senate, as it undoubtedly will be, and as it was submitted in committee, by way of a substitute.

Mr. CLARK. Mr. President, do I correctly understand that the present view of the Senator is that he would support the Dominick amendment, which has gone to the desk, in preference to the committee bill, but, if that were to fail, he would still vote for the committee-reported resolution?

Mr. JAVITS. That is exactly what I did in committee. I think that is the best thing that can be done under the circumstances before us, though it does not represent an optimum solution in this controversy.

Mr. President, the main point—which I think we all wish to guard against in the Senate—is not to rush through a measure to solve the problem and run the risk which was run some years ago in Congress when the House—fortunately the Senate did not act in that manner—undertook a procedure which would have brought the railroad strikers back into service as Army conscripts. The Senate and the House, I think, have spent a very long time regretting that incident.

It is always a kind of apparition and warning to us that we do not want to repeat that experience. It is, therefore, I think, our duty to report to the Senate that in this particular case, notwithstanding the exigencies which have faced us and which continue to face us, a great amount of intelligence and labor was expended in this endeavor. Hearings were had in respect to this piece of legislation. The Government, as represented by the Secretary of Labor, gave us the authoritative facts gathered from all departments with respect to this matter.

Most importantly, we heard from the union. We heard from the chairman of the negotiating committee for the carriers. These parties appeared before us and gave testimony. We have a factual record before the Senate, a record upon which we acted, and it is a factual record upon which the Senate may act.

We explored various propositions. We debated in the committee hour after hour with the greatest diligence and, I think, with the most exemplary thoroughness. The result which is before the Senate, as reflected by the measure of the Senator from Pennsylvania [Mr. CLARK], is a true consensus of the committee. It is truly the result of the kind of committee inquiry on the facts and deliberation and drafting which the Senate has a right to expect from one of its committees.

I believe that, as far as we have gone today, I would have every justification for supporting—and I shall support—the Clark resolution, assuming that it cannot be improved, as it could not be improved in committee, in the way I have referred to.

We failed in that endeavor in committee, and perhaps, from all indications, we shall fail in that effort here. Therefore, the Clark resolution will be again, as it

was in committee, the thing that we should support.

It should be emphasized that this is not the result of a hasty job. It is the result, I think, of a very thorough and workmanlike job. I believe it will work, although I must say that I am deeply disquieted by the fact that the President has not indicated that he will actually use it.

As to the workers, I yield to no one in my being a prolabor Senator. However, that does not mean that I do not have an eye open for the national interest or for the interest of our people as they require essential transportation services.

We have been careful in the retroactivity phase of this resolution to see that it does not contain elements of compulsory arbitration, but does leave the matter to the negotiation of the parties.

One thing that I think is admirable in this resolution is that it does not endeavor to write the terms under which the men will work except, of course, that there shall be no more adverse terms than those which they had under their last contract.

This legislation is drafted with genuine concern for the relationship between the carriers and the employees, as well as the public, and for the morale involved in the return of the men to work under this resolution by order of the President. That morale should be encouraged rather than discouraged by the interim terms and conditions of work while negotiations continue.

We have left this, I think, rather designedly open. I think it is a very intelligent thing that we have done so. We have been realistic, practical, and also respectful of the position of the workers when, because of the overriding public interest, we call upon them to return to work.

Mr. President, this is a public utility industry. It is a public service industry. Hence, the rules which we have a right to apply in respect of labor-management relations here are different from what they would be were this a different kind of business. Indeed, the Railway Labor Act itself carries out that intent. The essential direction of the resolution which we are considering—of which the senior Senator from Oregon was the original author—is to carry out the technique and philosophy of the Railway Labor Act. That, I think, is a proper and a very intelligent way in which to handle the situation.

One of the things which has troubled me and has troubled the senior Senator from Oregon and so many other Senators is the fact that after all of the pain and anguish we went through in 1963 with the railroad dispute, the scares which we have had with steel and other industries, the privations which the people of the city of New York endured during their transit strike, and the difficulties which we currently face in the airlines strike—with other impending strikes at General Electric, Westinghouse, in communications, the steel industry, the trucking industry, and the automobile industry—we still do not have anything on the books to deal with the essential and final responsibility of government to insure its own operations.

I do not believe that the proposed legislation, dealing with a specific emergency, will be complete when it leaves here, unless it contains something which indicates our determination not to go unprepared any longer, in such a serious way, in the national interest.

AMENDMENT NO. 718

Mr. President, with the kind collaboration of the Senator from Oregon [Mr. MORSE], I propose an amendment to the resolution, which I send to the desk for printing as follows:

On page 3, line 20, insert "(a)" after "4".

On page 4, between lines 6 and 7, insert the following:

"(b) The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide permanent procedures to make unnecessary in the future such special legislation as is embodied in this joint resolution."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, let us remember that we were promised such recommendations by the President of the United States in his message on the state of the Union, and that they have not come forward. We would be in an infinitely stronger position to deal with our problems now, were a law on the books which did not require emergency legislation such as that which is before us now, and which would, on the contrary, keep the men at work.

For those reasons, I hope that we will see fit to deal with this dispute, at the very least, as set out by the Senator from Pennsylvania [Mr. CLARK] in his measure, and that we will at the same time insist that the time has come for us to have from the administration some finite and definitive recommendations for a permanent plan by which we can deal with these problems, so that we will not again be caught unprepared in so serious a national situation as we face today.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I commend the senior Senator from New York and the senior Senator from Oregon for making this recommendation and for placing the proposed legislation before the Senate. I also commend them for their excellent work. The Senators have been working for weeks—the Senator from Oregon for months—on this problem. Without their assistance, it would have been difficult to have carried this matter through. I wish at this time to recognize them for their outstanding service in this regard.

Mr. JAVITS. I thank the Senator.

Mr. FANNIN. Mr. President, during his testimony before the Labor and Public Welfare Committee, Secretary of Labor Wirtz said the Nation had been "kicked in the teeth" by the machinist union's rejection of a recommended settlement in the airlines dispute.

His observation is correct, even if belated. The American public for too long has been the innocent victim of irresponsible union strikes, of which this stoppage of essential air service is only the latest example.

The chair that should have been reserved for the public interest at the bargaining table has been vacant too long.

As a member of the minority on the committee, I strongly supported amendments that would have resulted in the immediate return to work of the union members and the speedy resumption of passenger and cargo service, pending renewed negotiations toward an agreement. The majority of the committee, in reporting the resolution under consideration, saw fit to leave this step to the discretionary power of the President.

In my opinion, this action represents an evasion of our congressional responsibility to act in the public interest.

I voted against reporting this particular resolution for that reason, although I strongly believe that immediate legislative action is required to end the crippling tieup of a major segment of our Nation's air passenger and cargo service.

Let us remember, however, that the legislation we are dealing with today, in an atmosphere of crisis and public indignation, is at best a makeshift remedy which would solve nothing in the long run.

Hopefully, the union and the carriers can be persuaded to resume meaningful negotiations. But there is little reason for optimism on this point, in view of the adamant stand of the union.

The American people should understand that we are only legislating another postponement and providing for another attempt by another presidential panel. We are plowing the same furrow twice.

We have responded to a symptom—but we are not treating the disease.

To those who are sincerely disturbed at the prospect of Government interference in the collective bargaining process, I say that there are other rights in this republic in addition to those special ones enjoyed by organized labor.

On behalf of the public safety and welfare, the Federal Government already is heavily engaged in the regulation of interstate transportation services. It is unthinkable that Federal power should not be employed to terminate a strike whose total impact on our economy is running into millions of dollars daily.

Public convenience is hardly the only factor in this dispute—or even the major one. Mail delay, not to mention the very real adverse effect on our national defense effort, cannot long be endured in a modern society.

My own State of Arizona affords a prime indication of how this continuing disruption in air service is hampering the progress of our defense production program.

The electronics industry is particularly dependent upon a constant two-way flow of men and material between the various scientific and technological complexes in the country. Air cargo is the standard

means of shipping the small light-weight components of electronics equipment.

In the Phoenix valley alone, there is a major concentration of industries engaged in defense production which have been hit hard by this strike. I have telegrams from many of them, including such prominent defense contractors as General Electric, Motorola, Sperry, Goodyear Aerospace, Airesearch and others, attesting to delays in shipment of vital materials and components, some of which are directly related to our military forces in Vietnam.

This is just one area. Multiply this situation by similar effects on giant electronics concentrations in other States of the Union and one can gain some idea of how this strike is definitely harming our national security.

The true extent of this strike, in terms of its eventual impact on the scheduling and delivery of defense-related production, may not be known for months.

As I have said on many occasions, we are now reaping the harvest of our long-standing failure to redress the balance of power between management and monolithic unions.

Three decades of legislative and administrative favoritism to organized labor have progressively choked off consideration of the public interest in major strikes.

Unions no longer are weak, divided, and deserving of special privilege to protect themselves against corporate power. Nurtured by favorable Federal laws and court decisions, they have grown rich and strong.

It is only stating the obvious to note that many unions have not demonstrated the maturity and responsibility in the exercise of power which their congressional champions always argued they would.

In the final analysis, Mr. President, no amount of election year oratory can obscure the fact that much of this problem can be laid squarely at the doorstep of Congress.

Congress enacted the laws that made it possible for labor to acquire the power now being wielded against the public interest. It is up to Congress to revise those laws and to bring them into line with today's conditions.

In my judgment, the obligation of Congress to undertake a comprehensive study and revision of our entire labor-management code has never been more clearly emphasized than it has been by events of the past 2 years.

Our real need is not for strike-breaking laws, Mr. President, but for strike-preventing laws. Only when the power scales have been rebalanced can we look forward to an honest measure for the public.

Mr. President, Senator DOMINICK has discussed an amendment that he will offer. This amendment would give the Senate an opportunity to take immediate action that would bring about a resumption of service by the carriers involved in the current strike.

Mr. President, I shall support the Dominick amendment, which is similar to the amendment I offered to the committee.

Mr. MORSE. Mr. President, I have just authorized the release of the substitute amendment which I offered earlier this afternoon.

The Senate and the press should know that the reason why I have been off the floor most of the afternoon, while the debate has been on, is that I have been in one conference after another, as we have discussed with officials of the Government—and with Members of the Senate, on both sides of the aisle—various suggestions for perfecting the amendment and for modifying it in some respects.

Mr. President, I wish to make very clear, before I make the speech that has already been delivered to the Press Gallery in manuscript form that those of us opposed to the committee's resolution are in agreement that the major principle of the Morse resolution should be preserved. That principle provides that Congress and not the President should order that the strike end and the men be sent back to work if necessary by writ order.

In other words, the modified resolution that I shall offer tomorrow will not in any way vary from this basic principle which represents the great difference between the substitute and the resolution recommended by the committee.

We all know what the great division is in this debate as far as this basic principle is concerned. The division is whether the Congress should pass a resolution that authorizes the President to order that the men go back to work for a definite period of time and to take necessary legal steps to have the order carried out, or whether the Congress should pass a resolution that makes that provision on the basis of the decision of the Congress, confirmed by the President when he signs the resolution.

That is the major issue. I believe it is a very basic issue.

There have been suggested this afternoon various modifications or perfecting provisions for a 60-day period or a 90-day period, or variations of that. The Dominick amendment has been submitted. It is well known by the members of the committee that I, in committee, voted for the basic principle of the Dominick amendment, in trying to work out a conscionable negotiated settlement of the differences that developed in the committee.

In my judgment, the important thing to keep in mind is whether or not Congress is going to maintain control of this situation by saying, to use the language of my amendment, that there is this interruption in essential transportation that affects various sections of the country.

On the basis of that premise, Mr. President, we rest our resolution. We believe that the Congress should make that finding and pass a resolution, if signed by the President, that orders the men back to work.

The reasons why I support that principle are set forth in the speech that I intended to give at a much earlier hour today, and would have given except for the conferences which I engaged in—which, in my opinion, was the first order of business. However, I do not think the record should close today without there being presented the point of view on the other side of the issue from that already expressed by my friend from Pennsylvania [Mr. CLARK] in support of the resolution which the majority of the Committee on Labor and Public Welfare by a vote of 10 to 6 has sent to the floor of the Senate.

The main action taken by the Senate Labor Committee to change my resolution was to remove from the authority of Congress the decision of sending men back to work, and authorizing the President to do it, at his discretion.

"The President may" are the key words of the committee bill.

> During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout.

Are the key words of my original resolution.

The question is whether we are going to adopt a resolution that in effect says that the President "may," or whether we are going to adopt a resolution that says "During said period of time none of the parties to the controversy, or affiliates of said parties shall engage in or continue any strike or lockout." These are the key words of my original resolution.

This section is then enforceable upon suit in Federal court by either of the parties or by the Attorney General of the United States.

The issue here is not complicated. It is as simple as election day. I have offered my resolution in this form because the Constitution of the United States vests the authority and responsibility for regulating interstate commerce with the Congress. It does not vest it with the President or his executive branch. The Constitution vests it in the Congress. My resolution is based on the language of the Railway Labor Act, which in turn is predicated upon the power of the Congress to regulate commerce. Anything less than the exercise of this authority by Congress will, as I have said, amount to passing the buck to the President.

The answer came back in committee:

> He passed the buck to us by refusing to recommend legislation; now we are going to pass it right back to him.

It is a sad day for the U.S. Senate and the American people when protection of the country's right to essential transportation service becomes an issue of who can be the last to hold the hot potato.

I do not deny that this is a hot potato. The lobbyists not only for the International Association of Machinists, but for the entire AFL–CIO and many of its associated unions were crowded outside the rooms of the Senate Labor Committee throughout the consideration of this subject. They are crowded now outside the Senate Chamber and they are in the gallery today. That is their right. I protect them in that right. It is also their right to remind Senators how dependent many of them are upon the support of organized unions in their forthcoming campaigns for reelection.

I know how important that support can be. My campaign committees get a good deal of my campaign money in

every campaign from the political action funds of organized labor, and my campaigns rely heavily upon their active assistance. I get a good deal of my campaign money as well, from other groups, including the farmers, consumers, housewives, professional groups, teachers, and many others. It is not easy to be in the position of calling for congressional action to suspend the strike of a leading union, or any union.

I never hesitated to do it in the past and I shall not hesitate to do it now or in the future because when one runs for the Senate and is elected, he is not bound by any group that supported him in the campaign. He is elected on the assumption that he could be trusted to exercise honest, independent judgment on the merits of the issues, and in accordance with the facts as he finds them, and carry out his responsibility and trust that his office places in him.

In my judgment, the procedure of the union in resorting to strike in the critical circumstances that confront this Republic in the hours in which we live is a failure on the part of a union to carry out its responsibility. But I have my responsibility to carry out, and I propose to carry it out irrespective of how much goodwill or illwill it may earn for me in the ranks of this union or any other union.

But my duties, and those of every Senator, go far beyond our obligations to organized labor for campaign support. They go to all the people who sent us here, whether they voted for or against us; and our responsibilities go to the Constitution of the United States, which states that—

> Congress shall have power . . . to regulate commerce with foreign nations, and among the several states.

I point out to Senators that the choice posed in this situation is not one of legislating or not legislating. Ten members of the Senate Labor Committee voted to recommend this bill favorably to the Senate. They recommend its passage. It does not save the machinists from an injunction. It says only that instead of imposing the injunction, we are going to have the President do it, so he will get the blame and not us.

That is a time-honored device. But it is causing a rising inflationary spiral. That spiral must not become an inflationary tornado, but it will if the precedent is set in this case of not taking action in a regulated industry which will prevent an inflationary breakthrough. It is causing the depreciation of the wages won at cost to the public of a strike; it is causing great disaffection between the organized unions that are able to bring economic power to bear upon the economy in support of their demands, and the unorganized working people and nonworking people who are not able to use economic power to keep up with the inflationary spiral—which will soon develop into an inflationary tornado if we do not pass legislation along the lines I have been advocating.

This is why I want to stress the testimony of the Secretary of Labor when he affirmed my own oft-repeated summary of the emergency this strike is causing:

First. It is causing a disruption in essential transportation to many sections of the country. I ask the Senators from Hawaii and Alaska if this is not so. Senators know whether it is true in their own States, but the situation of Alaska and Hawaii is becoming critical. The Railway Labor Act was passed in 1926 for the specific purpose of assuring continuation of transportation service. It relates to disputes that the National Mediation Board finds "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

Surely, there is no question that this is such a dispute.

The act then authorizes the President, who "may thereupon, in his discretion," appoint an emergency fact-finding board. This the President has done. He appointed an Emergency Board on April 21. I served as chairman with Board members David Ginsburg and Richard Neustadt. We performed our duties under the Railway Labor Act. The parties could not cease work during the 30 days of the Board's deliberations, and it could not cease work for another 30 days subsequent to the filing of the report. During this time the parties negotiated on the basis of our report.

My original resolution did nothing more than extend that 60-day no-strike period for another 180 days while the parties continued to negotiate.

Now, the committee has changed it to require the President to make another discretionary finding, or as many discretionary findings as he may choose, that it is desirable, in his opinion, to enjoin the union for whatever period he chooses, or as many times as he chooses, up to a total of 180 days.

CONGRESSIONAL EXERCISE OF AUTHORITY OVER INTERSTATE COMMERCE

There are a number of cases which support the proposition that Congress can legislate return-to-work laws under the general interstate commerce powers.

First. At the outset, it should be noted that the courts have considered transportation to be a particularly appropriate subject for congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross State lines. They carry passengers and cargo from State to State. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Circuit 1965). Commercial air travel wholly within Hawaii was held to be interstate commerce.

Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason, each industry is already subject to congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the court upheld a congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to 9 months.

In this case, the Congress went so far as to set the wages of the employees. In this case, the Congress went so far as to set the hours of work of these employees.

What this case really adds up to, let me say to Members of the Senate, is that Congress arbitrated the case. Its decision was to apply for a period of 9 months, leaving it up to the parties thereafter to enter into whatever agreement they could.

It has been argued on the floor of the Senate this afternoon that Wilson against New is a 50-year-old case, a 1917 case, and that therefore in some way it has weakened the importance of the case. For 50 years that has been an uncontested doctrine of law in this country both in respect to constitutional power of Congress and in respect to what is meant when Congress is vested with control and regulatory powers of interstate commerce.

I shall have something to say before I finish in regard to the 1963 case but, at this moment, suffice it to say, as I said earlier in my colloquy with the Senator from Massachusetts [Mr. KENNEDY], that it is true Congress did not send men back to work in the 1963 case. It just stopped them from striking.

Some way, somehow, the notion is abroad in the Senate that this weakens the action taken by Congress in 1963. Let me say that Congress, in passing a law with the purpose of preventing men from going out on strike is not only analogous but is close to involving exactly the same principle. It is more drastic, in my opinion, to prevent, in advance, the carrying out of an intention to strike.

In my judgment, the 1963 action of Congress was, in effect, a reaffirmation that when the country is confronted with a strike in a regulated industry with serious consequences to the public which must be considered of paramount interest—consequences which call for Congress to act—then Congress must act.

This case is such a strong case, as we analyze the language of the case, that it ought to put to rest any question as to whether or not we can go this short distance that I propose to go in my resolution, which only says to the parties, "You are going to go back to work; you are going to work under your old agreement subject to retroactivity to January 1, 1966, when it is finally settled."

I digress for a moment to say that I think the parties to this dispute ought to be giving consideration to their actions before legislation is passed, because they will get some legislation. I think all the odds are in favor of their getting some legislation. If they do not voluntarily go back to work, they will end by being sent back to work in order to protect the public interest. They might just as well

face that fact. I cannot imagine Congress so completely abdicating its responsibilities that it will permit this strike to continue and let the public interest suffer the great losses it will suffer from a continuation of the strike.

Shall Congress let this strike continue to a point at which there will have to be a surrender to a union that uses its naked economic power? I repeat that phrase because the Machinists Union seemed to take offense, in the article I placed in the RECORD earlier today, because the Senator from Oregon described what they are doing as an "exercise of naked economic power." That is what it is.

In such a critical hour as this, with a great crisis facing the country on many fronts, with the great danger that will confront us if such a precedent is established, I do not see how we can prevent what will happen unless we proceed to pass a whole body of economic-control legislation, including a tax bill, a price-control bill, a wage-control bill, a rent-control bill—in other words, cease functioning as a free economy. But we can maintain a free economy that can work in an hour of crisis, if all groups in America will cooperate to make the economy work.

If the Machinists' Union, by the exercise of naked economic power, is permitted to set a precedent, the whole line of labor disputes waiting in the wings will come onto the economic stage and argue, as they will argue, that they are deserving, not of less, but of as much as was obtained in the airlines case. If they succeed, we shall go through the inflationary protective ceiling, and an inflationary tornado will sweep the country. An irate public will then demand that Congress remain in session for whatever period of time is necesary to pass economic control legislation of the type I have just mentioned—wage controls, price controls, rent control, and taxation.

But such drastic legislation is so unnecessary. That is why I shall continue, no matter how much criticism I receive from labor lobbyists and labor members, to carry out what I consider to be my trust. I shall urge that Congress pass a joint resolution, in keeping with its constitutional responsibility to regulate commerce, ordering the men to return to work, and that the President sign the resolution. That is the responsibility of the President. That is where the responsibility of the President begins. He should join as a partner with Congress in signing legislation that will bring the strike to an end for the period covered by the resolution. What that period should be is one of the things that has been under discussion all afternoon. That is why the Senator from Oregon is not presenting to the Senate tonight a resolution, other than his own joint resolution, because, as he announced earlier this afternoon, it was expected at that time that there would be a resolution cosponsored—and I feel certain that they would not object to my saying so—by the Senator from Florida [Mr. SMATHERS] and the Senator from Alabama [Mr. HILL], chairman of the Committee on Labor and Public Welfare.

The Senator from Alabama did a magnificent job as chairman and did a magnificent job in discussing the merits of the issue throughout the hearings in the Labor and Public Welfare Committee. Although they would be cosponsors of the resolution in this form, I am not putting the names of the Senator from Florida [Mr. SMATHERS] or the Senator from Alabama [Mr. HILL] on this resolution tonight, because I think they should have an opportunity to make their judgment on the final form of it as it will be offered tomorrow. That is the reason for my making the speech on the resolution this afternoon, which in the last few minutes has been released to the press.

Mr. President, I was making the point that I think if a resolution mandatory in nature is passed that has the effect of sending men back to work, in addition to other provisions, the parties themselves ought to give favorable consideration, before we pass the final resolution, to an arrangement whereby the men will go back to work on the basis of the wage agreements they entered into with the negotiating committee of the union last Friday night.

After all, they had reached an agreement. I do not think it would be realistic for anyone to think the final settlement will be less than the wage agreement—a fair agreement—which was reached by way of collective bargaining, and which had the superb mediation services of Secretary of Labor Wirtz and Assistant Secretary of Labor Reynolds.

I hope we would be able to modify the resolution to permit the use of the wage agreement that was arrived at the other day, rather than to proceed on the basis of my resolution as it now reads; namely, that of the old agreement, subject to retroactivity to January 1, 1966.

Why not face the fact that the parties are in agreement almost to the extent they agreed the other day? It was an agreement which led to the action of the negotiating committee, in recommending acceptance to the members of the union, but which the members of the union rejected on Sunday.

Further, may I say, there is good reason for the 180 days provision in my resolution. I want the RECORD to show it. I based it upon good advice and I got it that time from the administration; that is, they wanted the Congress back in session. The parties would have a chance to settle it ahead of time, but the 180 days puts the Congress back in session and the 150 days gives the Congress 30 days in which to pass more legislation.

Now, I think that Congress acted very unwisely in 1916. It is beyond compulsory arbitration. The Congress became the arbitrator. But that is beside the point. Rather, the significance of Wilson against New is that under the Constitution, the Congress has very wide powers under the commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry.

For, as the Supreme Court stated in that case—and I would recommend that labor and management, in all the regulated industries of our country take note of the language of the Supreme Court:

When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; it is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest. [See also *Brotherhood of Locomotive Firemen and Enginemen* v. *Chicago, Burlington & Quincy Railway Company*, 225 F. Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Circ. 1964).]

I mention the Brotherhood of Locomotive Firemen case because most Senators were here in these seats when the locomotive firemen were sent back to work by order of Congress, and not only that, but their case was submitted to compulsory arbitration over my own objections.

We did not pass the buck to the then President of the United States in 1963. The Senate took the issue away from President Kennedy and went beyond the legislation he wanted.

I said, in my colloquy with the Senator from Massachusetts [Mr. KENNEDY] this morning, and I want to repeat it now so that it will appear at this point in my formal speech, that the President in 1963 did not ask for the legislation that Congress passed. He asked for different legislation. The very morning of the day that the vote was taken in the Senate, President Kennedy called me to the White House to discuss with me the legislation that was then pending on the floor of the Senate, which was not his proposal.

President Kennedy asked me, at that discussion, to come to the floor of the Senate and offer his proposal as a substitute for the committee proposal. And he said to me—as the Senator from Montana [Mr. MANSFIELD], our majority leader, can verify—that if only the Senator from Montana and the Senator from Oregon voted for his proposal, he still wanted it offered, because it incorporated what he stood for.

President Kennedy's proposal, in 1963, was not a compulsory arbitration proposal, but a proposal to send the matter to the Interstate Commerce Commission rather than to a compulsory arbitration board. The President's proposal failed to pass by a vote of 15 yeas to 75 nays.

Without taking the time to read it, Mr. President—because the important thing is to have it available to Senators who may wish to read it—I ask unanimous consent that an excerpt from my statement on August 27, 1963, in which I explained the position of the President and in which I offered the President's proposal as a substitute, be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SETTLEMENT OF DISPUTE BETWEEN RAILROAD CARRIERS AND THEIR EMPLOYEES

The Senate resumed the consideration of joint resolution (S.J. Res. 102) to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Mr. MORSE. Mr. President, I wish to speak on my amendment No. 82, which I under-

stand is the pending amendment to Senate Joint Resolution 102. I express my sincere thanks to the Senator from Wyoming [Mr. McGEE] and the Senator from Washington [Mr. MAGNUSON], chairman of the committee, for arranging a parliamentary situation whereby the Senate will proceed to the consideration of this amendment as a substitute for the committee amendment.

I offer the amendment as the administration's amendment. The amendment was prepared by the administration. It is a sound amendment, in my judgment. I shall briefly outline it.

The amendment retains the procedure set forth in the President's original recommendation to the Congress, the original Senate Joint Resolution 102, with this major modification, which was first proposed by the Secretary of Labor in a conference in the majority leader's office several days ago, prior to the final action of the Senate Commerce Committee, as representing the administration's proposal: It proposes that a seven-man board, two from the carriers, two from the brotherhoods, and three public members, the public members to be selected necessarily by the President, proceed to arbitrate the dispute, under the auspices of the Interstate Commerce Commission. They would make their award recommendations to the Interstate Commerce Commission, which would have authority to modify the award if it saw fit, and then promulgate the award.

Speaking only for myself, I say to the carriers and to my colleagues in the Senate that, in my judgment, the possibilities and probabilities of any modification of an award of a fair board of arbitration are most remote.

This proposal of the Secretary of Labor, as he submitted it in the majority leader's office the other day, follows a procedure that prevailed during World War II, under the jurisdiction of the National War Labor Board. The National War Labor Board had ultimate jurisdiction, but there was a series of regional War Labor Boards and special commissions. For example, there was the West Coast Lumber Commission, which had jurisdiction over all disputes in the lumber industry in the Western States. There was a special commission known as the Shipbuilding Stabilization Commission. Other commissions involved other industries.

I served as chairman of the Appeals Division of the National War Labor Board, which had jurisdiction of appeals, acting on behalf of the Board, although there was a procedure permitting a case to be sent to the full Board if necessary. But that did not become necessary. There was a right to take appeals from any decisions of special commissions or regional boards.

Our policy was to sustain the decisions of the special commissions, except on one score: If a special commission should hand down a decision that violated the National Wage Policy, it knew that it would be reversed on that point. It never became necessary to reverse them, because the boards maintained contact with the national Board and determined the question of fact as to what the national wage policy was with respect to a given area. At no time was it necessary to reverse a special commission.

I cite that fact in support of the opinion I have just expressed that, in my judgment, the probability of the Interstate Commerce Commission's modifying a decision of a fair arbitration board is most remote. But I am willing to come to grips with the essence of the argument of those who are in opposition to this part of the measure I am offering. Should this authority be given the Interstate Commerce Commission? My answer is, "Yes, by all means." I know that I am dealing with a phase of the law that is pregnant with legal abstractions.

These legal abstractions are vital to the preservation of our rights in the whole field of American jurisprudence. Let me say to American labor, particularly railroad labor, that in this instance they are vital to the best interests of railroad labor.

It has been argued that the railroad brotherhoods do not have confidence in the Interstate Commerce Commission. That is a rather sad commentary. It certainly would be no justification for Members of Congress to refuse to give to an existing legal agency of Government jurisdiction which falls clearly within the sphere and the province of its authority. It is our agency. It is our instrumentality. Congress created the Interstate Commerce Commission. I do not want to assume that Members of Congress would wish to confess to incompetency on the part of the Interstate Commerce Commission, and not have done anything about it over recent years.

I ask my colleagues in the Senate who make that argument: "What proposals have you made for modifying the Interstate Commerce Commission if you think in an hour of crisis it is not the Government agency that can carry out such legislative function as we seek to delegate to it in my proposal?

I deny the premise, because in my judgment the Interstate Commerce Commission is qualified and competent to carry out the duties that are sought to be imposed upon it in my proposal.

I said last night, and I repeat briefly here, that we have assigned to the Interstate Commerce Commission by law a great many duties in the field of labor relations, although they have not been so called. Sections 5(2)(f) of the Interstate Commerce Act turns over to the Commission administration of the Washington agreement. The Washington agreement came out of the house of the brotherhoods as well as of the carriers. It was the result of a negotiated understanding which the parties reached. We gave to the Interstate Commerce Commission jurisdiction to administer it in the case of all mergers that deal with job security, and the present dispute is primarily a problem of job security.

I do not buy the argument that the Interstate Commerce Commission does not have the competency or experience which qualifies it to deal with the review power which is provided for in the substitute amendment now under discussion.

That is not the only jurisdiction which the Interstate Commerce Commission has over jobs and working rules. When we are dealing with the Interstate Commerce Commission we are dealing with an agency of Government—and I do not believe this is subject to dispute—that knows more about railroad problems than any other group within the Government. We have given them the jurisdiction to supervise and regulate the railroads of the country, and have done so for years by legislative fiat.

I am one politician who is not going to give heed to the propaganda of the brotherhoods, that because they do not want the dispute to go to the Interstate Commerce Commission, Congress should not place it with the Interstate Commerce Commission. Who is in control of this Government, the brotherhoods, or Congress, acting on behalf of all the people?

If we have set up a commission in behalf of all the people which is not competent to regulate the railroads and pass upon the issues of job security involved in connection with working rules which affect the operation of the railroads, we had better get busy and do something about the Interstate Commerce Commission. I will not vote to keep this dispute from the Interstate Commerce Commission merely because some brotherhood politicians do not want it placed in the Interstate Commerce Commission. They ought to be brought under the canopy of a system of Government by law. We have in our system of Government by law an existing agency to which we have entrusted jurisdiction over railroad operations.

Every time the Interstate Commerce Commission must deal with a litigious matter, or an adversary matter, in regard to a continuance or discontinuance of a railroad train or a railroad line, working rules are bound up in that controversy, and jobs are bound up in it, and the interests of families of those who are connected with the railroad are bound up in it.

For years the Interstate Commerce Commission has been given jurisdiction by Congress to pass on that subject matter.

I could cite the authority that the Interstate Commerce Commission has over safety matters. Do Senators believe that jobs are not involved in that field? Do Senators believe that the Interstate Commerce Commission is not passing in those cases upon job security, upon the bread and butter of hundreds and perhaps even thousands of workers in the railroad industry? Of course it is.

We should come to grips with this problem. Let us not assume a most extreme hypothetical situation. Aside from the appeal procedure, to which I shall refer in a moment, and remaining in the political arena for the moment, suppose that the Interstate Commerce Commission should hand down an unfair decision. Do Senators believe that we would sit on our haunches?

The Commission is our agent. It is our baby. We gave it birth. We have clothed it with its jurisdiction.

I say to the members of the brotherhoods that they have no right at this time to suppose that Congress would sit idly by—if all the fears that they have voiced in their lobbying activities of recent days on the Hill should prove to have any justification in fact—and permit an injustice to be done to the railroad workers. We would not, any more than we would sit by and permit an injustice to be done to the stockholders of the railroads. They, too, are parties to the dispute.

As I have listened to some of the discussions in the cloakrooms and elsewhere, I have come to the conclusion that apparently some people believe that there is only one party to the dispute; namely, the railroad brotherhoods. There are two others, and one of them is more important than two of the three. They are the carriers and there is the public. The public interest must come first. I say most respectfully that Congress, in this historic debate, should direct its attention to what is in the best interest of the public. The substitute which I am offering this afternoon is in the best interest of the public and fair to the party litigants. It would set up a seven-man arbitration board. That is what the committee measures would do. It is a tripartite board. We may finally decide upon a presidential appointment, if necessary, to arbitrate the dispute, now that the parties have put Congress in the position where it must pass some legislation. That would call for arbitration. What kind of arbitration? Senators should remember that if this dispute is kept within the framework of the Interstate Commerce Commission, we make available to the parties all the procedures of review and appeal, and all the procedures of the Administrative Procedure Act. If we put it in the hands of an independent, ad hoc arbitration board, those procedures will not be available to the parties. I am at a loss to understand why the brotherhoods have not recognized that important procedural difference between my proposal and that of the committee.

My amendment speaks for itself. However, because questions have been raised in respect to how all the issues in dispute will be handled, I wish to read section 6 of my amendment, beginning on page 5, line 18. I

am talking about the so-called secondary issues. The two main issues go directly to arbitration, and this is the way the so-called secondary issues are included, although I know of no real secondary issues in the case, for every issue involves the bread and butter of thousands of workers. Every issue is of vital concern to the railroad families of the country. In my judgment, every issue, unless equitably handled, could lead to a strike. So my proposal handles this problem as follows, beginning on page 5, line 18:

"SEC. 6. The parties shall proceed immediately to bargain collectively, with the assistance of the National Mediation Board concerning any unresolved issues regarding any proposals which were included in the notices of November 2, 1959, or September 7, 1960, but which do not involve the manning of train or engine crews and the protection of the interests of the employees affected thereby. If agreement has not been reached within sixty days following the effective date of this joint resolution, any party may submit its proposal to the Interstate Commerce Commission. If the Commission determines (1) that the party submitting such proposal has exhausted all reasonable efforts to reach a settlement of such issues through collective bargaining, and (2) that it is unlikely that any agreement with respect to such issue or issues or with respect to voluntary procedures for the disposition of such issue or issues will result from further efforts to bargain collectively, the Commission shall refer the proposal to the Special Board—"

That is the special arbitration board provided for in the amendment—

"for disposition in the same manner as in the case of applications filed under section 1. The provisions of section 5 of this joint resolution shall be applicable to matters covered by such proposals.

"SEC. 7. (a) The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (29 U.S.C. 101–115) shall not be applicable to an action under sections 5 or 6 of this Act In any such action, service of the complaint and summons shall be made on the parties to the controversy by delivery thereof to an officer or to any other agent of said parties authorized by appointment or by law to receive service of process."

Mr. President, I close with this final argument: Unless there are vital reasons for not following the original proposal of the President of the United States, I plead with Senators to support the hand of the President, for, in my judgment, he recommended to Congress a procedure that is fair. It has been greatly improved by the Wirtz amendment. The amendment provides for the tripartite board that the Committee on Commerce provides, a board which would function under the auspices of the Interstate Commerce Commission.

The proposal would provide for a fair settlement of the dispute. It continues to avoid my major objection to the committee's proposal of an ad hoc, general, compulsory arbitration board that might very well set an unfortunate precedent that could be brought to bear upon many labor disputes in the future, involving workers outside the railway industry.

I repeat what I said last night: Congress has always, as a matter of course, tended to treat railway labor differently, legislatively, than the rest of labor. Thus we have the National Mediation Board, the Washington agreement, the boards that are established to handle the retirement funds of the railroad brotherhoods, the Chicago board that considers grievances that arise with respect to the expenditures of funds. There is a set of separate legislation for railway labor, including the Interstate Commerce Act and the Railway Labor Act of 1926.

The proposal offered by the administration keeps the procedure within the framework of existing legislation that is applicable to railroad labor.

Mr. President, I urge the adoption of my amendment.

Mr. MORSE. Mr. President, the important thing right now is that Congress did act on its own in 1963. It did prevent men from going out on strike by that action. It considered the situation sufficiently important to warrant such action.

That was only 3 years ago. We do not have to go back 40 years for a precedent as far as the principle involved is concerned. We only have to go back 3 years. In that dispute, the union was not yet out on strike, but it was threatening to strike, and we all knew it would strike if we did not pass legislation to prevent it from striking.

In the railroad case, there were only 32,500 firemen involved. Some are saying there are only 35,000 mechanics involved in this case, and that is not enough to justify congressional action. But Congress went much further 3 years ago to act against fewer railroad firemen.

But it knew the effect of the strike. I am only urging that the Senate take into account the effect of this strike. It is the effect of the strike, irrespective of the number of people involved, that determines whether or not Congress, vested under the Constitution with power to regulate interstate commerce, should persist in its efforts, particularly at a time as critical as the present.

I quote the opening section of the Senate Joint Resolution 102 adopted by the Senate on August 27, 1963:

Resolved, * * * that no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or, engage in any strike or lockout over any dispute arising from any of such notices.

The 32,500 firemen were not even on strike when Congress took that action less than 3 years ago.

I am at a loss to understand what seems to me to be the implication of some of the statements made on the floor of the Senate this afternoon that because the men were not on strike then, that case is not applicable to the situation which confronts us now in the case of the airline strike.

But then we went even further. We did not even wait for a strike in 1963. We stopped the strike. We ordered them not to strike. That was going even farther than the 1917 case, Mr. President.

If in 1963, Congress felt that it had the responsibility to forestall a strike, in my judgment it certainly has a responsibility to end the strike that is now going on.

As I have noted, I voted against that resolution because it went on to submit the issues to compulsory arbitration. But it was a carrying out of the congressional responsibility and authority to regulate commerce.

I have never said Congress does not have the authority, in carrying out its regulatory powers under the interstate commerce clause, to pass legislation for compulsory arbitration. I just do not vote for compulsory arbitration, because I do not think it is justified. I think we need to seek ways other than the compulsory arbitration technique, because compulsory arbitration can become the pattern.

The RECORD will show that in 1963 I said:

Watch out for this as a precedent.

There were speeches on the floor of the Senate, as the RECORD will show, by Senators who said:

I am voting for this, but this is no precedent.

But our acts speak louder than our words. In voting thus, we do establish a precedent for compulsory arbitration.

In those days, the railroad brotherhoods were very angry with the senior Senator from Oregon. The RECORD will show that I addressed a few remarks to the chiefs of the five operating brotherhoods, who were sitting in the gallery, when that debate took place, also.

I said to them:

I wish to say, as a friend of the legitimate rights of labor, you are establishing a very bad precedent today. You are the group of labor leaders who, for the first time in all of our legislative history, here will have to assume the responsibility for suggesting that Congress go along with a compulsory arbitration law.

Mr. President, labor does not like to hear me say so, but that is what they were lobbying for that afternoon. That does not mean that they favor compulsory arbitration in general, but they thought it would be the lesser of two evils. They were dead wrong about it, Mr. President.

But the fact is that in 1963, Congress did pass compulsory arbitration legislation.

We did not shrink from it. We did not try further to dilute and dissipate the remaining fragments of congressional authority by trying to pass that buck, too, to the President of the United States in 1963.

I say to Senators that we must cease being the collaborators in our own decline. We cannot complain about growing executive supremacy if we refuse to accept the most basic assignment of responsibility which the Constitution makes to us. We cannot complain about excessive Presidential discretion over the lives of people and the economy of the Nation when we thrust upon him a discretion that he did not seek, and which we are supposed to exercise ourselves.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. May I say to the Senator, I have never heard him more right about anything—and I have heard him be 100 percent right on many occasions—than in the statement he makes that Senators who talk about the executive usurping the powers of Congress, but who in some instances propose that we vote unfettered power to the

President, without setting down what the standards should be, cannot decline to share the responsibility.

How can a Senator complain, on the one hand, that the executive usurps our power, and, when the problems come to Congress, decline to accept our share of the responsibility?

Mr. MORSE. I say to the Senator from Louisiana, we cannot do it. Of course, as he knows, I have discussed this principle of constitutional law so many times in the Senate during my many years here that I know it becomes a little monotonous to my fellow Senators.

But it appears to me to be basic to the preservation of our form of government. It appears to be basic to the question of whether or not we will continue to maintain a system of three coordinate and coequal branches of government, each with a check on the other two. It is a question of whether we are going to abdicate, time after time, here in the Senate, so far as our checking power is concerned, and as far as our basic, substantive legislative rights are concerned, by passing the buck to the executive branch of the Government more and more; and then, when we find we are in the position of not liking what the President is doing, proceeding to attack and criticize the President because, in that instance, we think he makes capricious and arbitrary use of his discretionary power.

It does not add up. I cannot square that Jekyll and Hyde attitude of many of my fellow Senators on this particular matter. I say either these employees should be put back to work by Congress, or they should not be put back to work.

These men either should be put back to work by Congress, in carrying out its responsibility under the interstate commerce clause, or they should not be put back to work at all. In my judgment, this decision is basically a legislative responsibility and not an executive responsibility at all.

I argued it in committee yesterday, and I have argued it elsewhere. In one sense although they do not want to do so, in another sense they are saying: "Mr. President, we will let you legislate for us." In effect, what we are doing by the resolution that I oppose is saying to the President: "If you want to send the men back to work, we authorize you to do it."

The President, in effect, is saying: "This is a legislative responsibility." And so it is. All I am asking is that Congress live up to its legislative responsibility.

I shall say only a few words by way of summary, as to why I think the approach that those of us who are advocating mandatory legislation passed by Congress, and not legislation that simply seeks to pass the discretionary responsibility to the President, is a much sounder approach.

The legislation that I am proposing is a sound and sensible approach in my judgment, to the airlines' dispute, first, because its fundamental concepts are fair and workable. It will get the planes flying, but it will also maintain the maximum opportunity for free collective bargaining and a settlement through continuing mediation. It will do so without seizure or compulsory arbitration, and it will do so without any or the serious flaws that I think exist in the present resolution. I shall summarize my opposition to the pending resolution after I present this affirmative summary of what I consider to be the advantages of my resolution.

Second, the structure of my resolution, I think, is practical. There would be a 180-day period in which work will resume while the Special Airlines Dispute Board appointed by the President considers the background and circumstances of this dispute in an endeavor to reach an agreement between the parties.

If an agreement has not been reached within 150 days, the Board would make recommendations to the President, and the President would advise the Congress of the terms or procedures which will assure a final agreement in the public interest.

Why do I say that the structure is very practical? Take out the calendar. As we pass this legislation, we had better have a calendar in front of us at all times, because under my resolution the 150 days takes us to that period of time after Congress adjourns sine die, and until Congress reconvenes in January.

Who can say when we are going to adjourn sine die? No one can say. I think the probabilities are that we will adjourn sometime prior to the election, although I well remember in 1962 when we had such a critical situation existing in our country that we did not adjourn until, I think, a day or 2 less than 3 weeks from the date of the election.

The crisis then was reaching an explosion point over the missile situation in Cuba. A good many of us had to come back because of our work either with the Foreign Relations, Armed Services or the other committees which had vital responsibilities in connection with the Cuban situation. We consulted for those few days before the Cuban crisis was resolved.

It may very well be that the situation will become so critical, because of an international or domestic crisis, or if we find ourselves between now and the election in a situation involving management-labor relations, or other critical domestic issues, that it might be necessary for Congress to stay in session right up to just before the election. Who knows?

The probabilities are that we will get out some time early in October. That is the latest date that we hear mentioned at the present time. I certainly think that, from let us say the 10th of October until reconvening in the early part of January, we should have legislation on the books which would give to the American people a guarantee that there is not going to be a breakdown, through a return to a strike situation in an industry which is as essential and vital to the transportation of people to various sections of the country as is the airlines transportation industry.

This is practical. This makes sense. Furthermore, the 150-day figure contained in the resolution is a desirable one because the resolution provides that after 150 days the President shall report to Congress the findings of the Special Airlines Dispute Board that is set up in the resolution.

If the findings are that there is still not much hope for a settlement of the dispute by the end of 180 days, then Congress still has 30 days to pass additional legislation to continue to guarantee to the American public that their paramount interest, over the interests of the carriers and the workers, will be protected by Congress.

I repeat that I think the structure of my resolution is very practical. I said earlier that if a better provision to protect the interest of the public is worked out, the senior Senator from Oregon is open to accepting any reasonable modification of that part of the resolution. I also am open to accepting a reasonable modification of any other part of the resolution.

Third, and this is important to me and to men who are as sincere and dedicated to their trust as I am, but who may disagree with me—and that is what a part of the debate is all about—then my resolution, in my judgment, has the additional strength that it does not pass the responsibility to the President of the United States.

Under my resolution Congress makes the necessary findings to the President of the United States under the special procedure provided. What is involved is basically an extension of the time-tested techniques of the Railway Labor Act, specifically tailored to the special circumstances of this case.

There is no placing the onus on the President in broad and sweeping terms after a series of preliminary findings. Responsibility begins with Congress, and it ends with Congress, as far as the passage of the resolution is concerned. Then the responsibility is taken up by the President on the issue as to whether he signs or vetoes it.

This establishes a cooperative relationship between Congress and the President. This makes Congress and the President partners in a joint settlement of this dispute for the 180-day period, as far as jointly agreeing that the strike must end, the paramount interest of the public must prevail, and the men must go back to work, enforced, if necessary, by a court order for that period of time or so much of that period of time as is necessary prior to entering into a voluntary collective bargaining agreement. That is an essential point in my resolution.

I know that I have repeated it, but it cannot be repeated too much, because even with all the discussion of it, I still find colleagues who do not understand that great difference between my resolution and the resolution that was reported by the committee. Furthermore, may I say, I think we ought to strengthen the hand of the President and not weaken the hand of the President.

I am at a loss to understand the argument that giving him this arbitrary discretion is going to strengthen his hand. We would make him the subject, in my judgment, of an attack, and isolate him, all alone, as an easy target.

We ought to be perfectly willing, more than 500 of us in Congress, to stand shoulder to shoulder with the President if he signs the resolution, as I am satisfied he will sign it.

I cannot say more than that, other than to put it in this way: I do not have the slightest doubt but what the President will sign a resolution based upon the major principle of the Morse resolution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. In this case has not the President already put the prestige of his office on the line?

Mr. MORSE. No question about it.

Mr. LONG of Louisiana. He has tried to settle the strike. He succeeded in getting the labor leaders and the spokesmen for management together, and they reached an agreement. But the rank and file of labor told the President "No."

Mr. MORSE. Of course.

Mr. LONG of Louisiana. When the President has been rebuffed, would it not be particularly inappropriate of Congress to shirk its responsibility in this matter? Is it not the responsibility of Congress to pass on this issue rather than to give the President the discretionary power to force labor to do that which labor does not wish to do, after it has told the President "No"?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. The President has placed his prestige on the line. Labor has told him "No." Would it not be inviting a lawsuit—even inviting downright defiance—when labor has declined to accept the suggestion of the President, for the President to have discretion to order labor back, without Congress saying that labor should be asked to go back to work or whether it should not be asked to go back to work?

Mr. MORSE. I completely agree.

Mr. LONG of Louisiana. So, would it not actually invite lawsuit, at that point, to contest any proposed injunction in the event labor preferred not to go back? Would it not wave a red flag in front of labor, on one hand, and invite a court test on injunction, on the other hand, for Congress to decline to say whether labor should or should not go back to work?

Mr. MORSE. I agree.

I shall not go into a long legal argument tonight. When I finish this summary of what I believe are the affirmative values of my resolution, I shall make a brief summary of my reasons for opposing the committee's resolution, and I shall discuss those in detail tomorrow. In the interest of time tonight, I shall postpone my discussion of that aspect of this case.

Mr. LONG of Louisiana. In the last analysis, when the President has suggested that this would be an appropriate settlement, and the rank and file of labor have declined to accept it—to go the route of a continued strike—would it not be well for Congress to sit in the position of being the jury on this issue, to insist on further negotiations in pursuit of a voluntary settlement?

Mr. MORSE. I think so.

Mr. LONG of Louisiana. We have heard from the contending sides. Congress does not wish to side with management or with labor. If we wish to end the strike, Congress should take the affirmative, courageous position of saying that this is what should be done.

Mr. MORSE. The Senator is correct.

The President is putting himself on the line in another way, also. He deserves the credit, in my judgment, for the two parties coming to an agreement the other night. As I have said on the floor of the Senate before, he deserves the credit for the settlement of the steel case and for the settlement of the second east coast longshoremen case, just as President Kennedy deserved the credit for the settlement of the first longshoremen case. In addition, the President has made perfectly clear his position on the substantive issues involved, by making the public statement, in effect, that he believed the case should be settled within the framework of his Emergency Board's report.

By saying, since the agreement was reached the other night, that the agreement was within the framework of the Emergency Board's report, he has also put himself on the line in regard to the substantive issues involved.

I shall say something momentarily about some of the discussions that have occurred in the Senate, concerning the substantive issues, by very sincere men who, in my judgment, overlook the many facts involved. If the Senators knew about the facts or took the time to analyze them, they would not have made those statements in regard to the substantive issues.

Mr. LONG of Louisiana. Perhaps the Senator intends to cover this further in his statement, but this thought disturbs me. The Senator has mentioned the precedent involved. Can the Senator think of a worse precedent to set in Congress? When a major strike is in progress, it is proposed for Congress to say that it will not say that labor is right; it will not say that labor is wrong; it will not say that this is a sufficiently serious matter to justify the President acting; it will say that the President should know more about it than Congress, and that with more facts available to him than to Congress, he should either assume the responsibility to either stop the strike and bring the people back to work, or not to exercise that responsibility?

I ask the Senator, does that not invite every Member of Congress in the future in the case of all big strikes to vote for the resolution and then to say to labor and to management: "I did not say the President should do this. I believe he exercised his discretion the wrong way. If I had been the President, I would not have done this. But somebody had to make the decision, and we believed that the President would know more about the situation than we."

Would it not be more appropriate for Congress to study the matter well enough and to understand it well enough so that we could take the responsibility for what we do, so that we could say that the strike will end and the men will go back to work, or that the strike will not end and the men will not go back to work?

Once we set this precedent of throwing the matter into the unfettered discretion of the President, does that not set the worst possible precedent for the future?

Mr. MORSE. I believe so. But sincere and honest men disagree with me. I believe that it does. I believe it would be a most unfortunate legislative precedent.

Mr. LONG of Louisiana. Does it not invite us, in other major strikes in the future, to say:

"I shall not judge this matter. I shall not judge whether or not these people should be required to go back to work. I shall just let the President decide it. If he believes it is in the national interest, he will decide it."

And then Congress would pass measures that could never be passed in the event Congress had to take the responsibility of saying, "Yes, we believe this should happen."

Mr. MORSE. I believe it would be a great mistake.

The fourth point I wish to make, by way of summary, as to why I recommend my resolution to Senators, is that it exercises restraint and preserves traditional rights.

It might be easier and simpler to prescribe a binding and final settlement now, as Congress did in 1916 and, to a degree, did in 1963, when it passed a compulsory arbitration law. But I wish to urge that broader principles are at stake, which transcend the immediate case—among them the right to free collective bargaining in a free society. This traditional right would be protected by the Morse resolution, and the interests of the public would be served as well.

Why do I say that? Because the rights of the workers would be protected under my resolution, as far as retroactivity is concerned, and it would not impose compulsory arbitration upon them. It would not impose upon them a congressional determination of the substantive issues involved in the dispute, but it would leave to them the right to bargain collectively, and to negotiate and mediate collectively, in regard to the dispute, knowing full well that naked economic power in a regulated industry does not give them the right, in the name of right-to-strike, to force a settlement that cannot be reconciled with the public interest.

So this becomes, as we see, a matter of degree and also a matter of judgment. But there is no denying to labor of their legitimate rights—I stress the word "legitimate." There is no denying their legitimate rights, under a free society, for free collective bargaining.

If the union insists on following a course of action of striking against the public interest because they may have the economic power to force out of the carriers a settlement not in the interest of the public, a settlement which is unjustifiable in this case, they will not serve the best interests of labor, nor will they serve, in my judgment, as they should serve, as protectors of free collective bargaining and negotiation by way of mediation.

A summary of my main objections to the committee's joint resolution is as follows:

First, I think it violates the basic concepts of fair play and equal protection of the laws. The joint resolution cannot be reconciled with the Constitution. It mocks the Constitution. It delegates to the President severe and drastic powers over 35,000 workers and five major airlines without a finding of a national emergency, without a single guiding standard, without a single procedural safeguard, and without a provision for any hearing.

Such a deprivation of the right to strike is inherently unfair. It raises grave constitutional doubts.

The pending joint resolution will settle no dispute. In my judgment, it will not only buy a lawsuit, it will result in a chain reaction of litigation. In my legal judgment, the joint resolution cannot be justified on legal grounds. It will result in a great deal of litigation. I am not alone in that view, for even the Attorney General of the United States shares that view. Not enough thought has been given to the legal consequences of the joint resolution, because of the discretionary power it seeks to vest in the executive branch of the Government, through the President. That is quite a different thing from a manadatory congressional act based upon the constitutional authority of Congress under the commerce clause. When the President exercised the discretion that he would exercise under the joint resolution, he would not be acting under the commerce clause.

He does not have the authority to regulate commerce. He will be taken into court. We know the litigation which took place in the Truman administration in connection with the steel case.

Mr. President, you will remember that because of the serious international situation that was involved in that case, the President, exercising his discretion, decided that the national security was so seriously jeopardized, that by Executive order, he issued an order for a seizure of the steel plants.

Many people seem to think that the Supreme Court decision in that case was a decision to the effect that a President does not have the inherent power to order a seizure of a plant that is vital because of its processes in protecting the security of the public.

I am surprised that even so many lawyers have fallen victim to the fallacious contention that the Supreme Court in the steel case decided that a President of the United States cannot in time of national crisis and emergency engage in a seizure order.

That is not what the Court decided at all. The Court decided that the facts presented in the case did not show any such national emergency. That is what that case stands for.

I knew something about the steel case. I had been involved in that question in an advisory capacity, too. I thought it was perfectly clear that a national emergency did exist, but we could not tolerate a strike in the steel industry because of the need for the equipment and the product of the steel mills for American defense establishments, in light of the terrible crisis that had developed in Korea.

But what the Supreme Court really found was that the Government failed to establish the facts that would support a national emergency finding. That is all.

Mr. President, the situations are not parallel. I am not arguing as a lawyer that the situations are parallel. I am arguing that there is an analog of connection between the two cases because, in my judgment, the resolution reported by the committee, due to the discretionary power it seeks to give the President, is going to result in litigation. It is going to put the union in a position where there is a possibility that there may be held up the application of the law; where injunction will be denied for an interminable period of time until the court can search into the questions, and the matter will have to undergo court processes to determine whether this is a legal exercise of discretion by the President.

Mr. President, I talked about this very matter with the Attorney General this afternoon. He agrees with me that that is one of the weaknesses of the pending resolution, to say nothing about the other weaknesses I shall mention in a moment.

There is no question about the ability of the Department of Justice, if the union makes it necessary—and I cannot believe that they would be that shortsighted—under the Morse resolution to proceed with necessary legal steps to end the strike and put the men back to work on the ground that the legislation is based on the power of the Congress to regulate interstate commerce.

That is quite different than giving the President discretionary power to issue an order that the men go back to work on the basis of his finding. A finding has to be a congressional finding, and that is why I am urging that we keep in this resolution the mandatory provisions that I have in it whereby the Congress orders the men back to work, and the President signs it. The President agrees with the Congress, and the President joins with the Congress when he puts his signature on that joint resolution.

Now, I mentioned this matter in the Labor Committee yesterday. Many of my colleagues disagreed with me. I read the resolution I was offering. I pointed out that the resolution I was offering left no doubt for legal soundness. The resolution proposed by the committee, in my judgment, raised grievous legal doubt as to its effectiveness for quick implementation because I think it would throw the entire issue into protracted litigation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that the legal doubts that would result from conferring on the President unfettered discretion make it more difficult to rely upon labor respecting that decision by the President?

Mr. MORSE. I hear that they believe that, but I hate to think that we have gotten into that kind of dilemma in this country. I hate to think it, but nevertheless, as the Senator has heard me say so many times, we had better watch the procedure that we put into any legislation. If there are procedural loopholes there is no assurance that some persons, without this sense of responsibility to the public, may not take advantage of the loopholes.

Mr. LONG of Louisiana. I inquired of the Attorney General about the legal certainty that the committee resolution could be carried out.

Mr. MORSE. I was with the Senator when the Senator discussed it with him, following the receipt of the communication which the Senator has in his hand.

Mr. LONG of Louisiana. I asked the Attorney General to put in writing what he told me: that he felt that a good labor lawyer might very well challenge the power of the President to act under the committee bill. The Attorney General has written to me. Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter from the Attorney General dated August 2, 1966.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 2, 1966.

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing in response to your inquiry regarding any constitutional or other legal problems involved in S.J. Res. 181 as reported by the Senate Labor Committee yesterday.

While I do not wish to comment on either the need or merits of this legislation I would like to call your attention to Section 2 which delegates the broadest possible authority to the President to order people back to work pending settlement of a labor dispute. No standards are expressed in the resolution by which to guide the President in this extraordinary delegation of power.

Section 5 provides for enforcement through injunctive relief. In any judicial proceedings a court would have to find that the power had been exercised properly. Thus the absence of express standards would invite attack in such proceedings. The unnecessarily broad nature of the delegation is underscored by the fact that Congress would already have made the finding expressed in the Railway Labor Act without stating what further findings, if any, the President should make before exercising his discretion.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. MORSE. I am glad that the Senator has introduced the letter.

Mr. LONG of Louisiana. Here is a statement of the Attorney General, who is an extremely able lawyer, saying that to proceed in a fashion that the committee recommended is to invite a contest in court as to whether these men can be required to go back to work by discretionary authority of the President. I am sure that no one intends that, but there is no doubt whatever in my judgment—and I believe the Attorney General concurs, and so does the Senator from Oregon—that if an act of Congress is passed,

signed by the President, terminating the strike, then there is no doubt whatever that Congress has the authority to do exactly what it is trying to achieve.

Mr. MORSE. That is my argument, too. The Senator will recall another case during the tenure of the Senator from Louisiana and myself—I do not recall the exact date—but we had, in effect, a railroad strike. President Truman on that occasion, I recall, came before a joint session of Congress and recommended that strikers be put in the Army. Immediately, some of us on the floor of the Senate, when we returned from the joint session, opposed the proposal of the President. It was an interesting debate to read in retrospect because there, too, we pointed out that there would be some serious legal difficulties as to whether a President had the discretionary right to do what he recommended, to submit men to a form of involuntary servitude, which I thought was an abuse of discretionary power on the part of the President.

Fortunately, in that case, the issue never got to the point of a legal test because the brotherhoods, as the Senator will recall, even on that day, announced that they were going back to work. I very well remember, even at that time, that the same legal concerns I am expressing tonight were being expressed at that time. The Senator from Ohio, Robert Taft, who was majority leader then, made a brilliant legal argument in opposition to it, a point of view which I shared and supported.

Returning to my discussion of the committee resolution, I make these further observations:

IT COULD CREATE A SERIES OF SWEEPING DECISIONS AND CONTROLS

Mr. President, so unrestrained are the powers granted under the resolution that the President could set wages for the workers, set profits for the airlines.

Order one airline to operate on Mondays and Thursdays, one to operate only on Saturdays, and the remaining three not to fly at all.

Allow one airline to operate 50 days and another to fly only 7.

Determine details of airline operations from timetables to menus.

Direct the resumption of work for 2 hours, for 2 days, for 2 weeks, 2 months, or for 6 months.

Or, on the other extreme, he could do absolutely nothing at all.

IT SHIRKS SENATORIAL RESPONSIBILITIES

The resolution begins with a congressional "finding" that the airlines dispute "threatens substantially to interupt interstate commerce." It continues with a congressional "finding" that emergency measures are "essential" to settle the dispute. After these findings one would think that the resolution would prescribe a carefully conceived and thoroughly debated remedy. But in this case the resolution stops short. It backs away and says to the President—"We made the findings. It is your problem now—you handle it." The Senate cannot abdicate its responsibility so lightly on matters so vital to the public interest. Yet, that is the purpose and intent of Senate Joint Resolution 181.

ITS MOTIVATION MUST SERIOUSLY BE QUESTIONED

The resolution is seriously flawed. It is difficult to imagine so casual an approach to such basic and complex issues—the right to strike and the right to have labor disputes settled by free collective bargaining in the absence of a finding of national emergency. Because of this have the tactics of ward politics now become the watchwords of the Senate? This must not be allowed to happen.

Because of this, I happen to think that there is the question of the election ahead to be considered. I believe that if it were not for the election date in November, we would have less difficulty getting Congress to go along with mandatory legislation. Those on the other side—and I respect them—have assured me that that is not their motivation, although some cannot very well assure me of that, because of the statements they have made in which they express concern about the effect of the resolution on the elections in 1966, pointing out that the President is not a candidate in 1966 and will not be until 1968.

In my judgment, the general public, by the millions, will charge Congress with playing politics with the issue if it fails to adopt mandatory legislation. I do not think that we should walk in with that kind of attack upon Congress when all we need to do is show that there is no basis for it at all by joining the President in passage of legislation mandatory in nature which he will sign.

Mr. President, I have been asked by many for some information on these points. I am not going to take time to read it now, but will ask unanimous consent to have it printed in the RECORD.

I have been asked whether the Railway Labor Act language in my amendment is a sufficient basis for ordering strikers back to work. I have covered this point and ask unanimous consent that the memorandum containing the legal proof be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

IS RAILWAY LABOR ACT LANGUAGE IN MORSE AMENDMENT TO SENATE JOINT RESOLUTION 181 SUFFICIENT BASIS FOR ORDERING STRIKERS BACK TO WORK?

The answer to this question, in my opinion, is clearly and unequivocally, yes. The language in question is contained in the Railway Labor Act, Sec. 10, "threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service."

A finding by the National Mediation Board and subsequently the President triggers the appointment of an Emergency Board. The Board has thirty days to make its investigation and report to the President. During this thirty days and for thirty days after the report is filed, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose. In effect then upon a finding in accordance with the language of Sec. 10, which I have included in S.J. Res. 181, the parties are enjoined from a lockout or strike. Certainly if it is legal and constitutional to so enjoin a strike under the Railway Labor Act, it is under S.J. Res. 181.

In addition, there are a number of cases which support the proposition that Congress can legislate return to work laws under the general interstate commerce powers.

1. At the outset, it should be noted that the Courts have considered transportation to be a particular appropriate subject for Congressional regulation. There is, of course, no question as to the interstate nature of the air transportation as viewed here. The routes of all of the struck carriers cross state lines. They carry passengers and cargo from state to state. See *Island Airlines* v. *United States*, 352 F. 2d 735 (9th Cir. 1965) (commercial air travel wholly within Hawaii held to be interstate commerce). Thus, it is difficult to conceive of any type of business which is more interstate in character than the commercial air transportation of the struck carriers.

In addition, air transportation, like railroad transportation, is affected with the public interest. For this reason each industry is already subject to Congressional and agency regulation of a quite detailed nature. And it is these two elements—the clearly interstate nature of and the basic public interest in transportation—which have caused the Courts to give Congress broad latitude in the regulation of transportation.

An example of this latitude is found in *Wilson* v. *New*, 243 U.S. 332, where the Court upheld a Congressional statute which ended a railway strike, sent the employees back to work and prescribed the precise terms on which work was to be continued for up to nine months.

Now, I happen to think that Congress acted very unwisely in following that course of action. It went beyond compulsory arbitration. But that is beside the point. Rather, the significance of *Wilson* v. *New* is that under the Constitution the Congress has very wide powers under the Commerce clause to regulate transportation and, in particular, to deal with labor disputes resulting in serious strikes in that industry. For as the Supreme Court stated in that case:

"When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest. And this is no limitation of liberty; It is the consequence of liberty exercised, the obligation of his undertaking, and constrains no more than any contract constrains. The obligation of a contract is the law under which it is made and submission to regulation is the condition which attaches to one who enters into or accepts employment in a business in which the public has an interest." See also *Brotherhood Loc. Fire & Eng.* v. *Chicago B & Q R Co.*, 225 F Supp. 11, 21–22 (D.D.C. 1964), aff'd, 331 F. 2d 1020 (D.C. Cir. 1964)

2. General constitutional principles applicable to regulation of interstate commerce likewise support the constitutionality of the Morse Resolution.

In passing upon cases predicated on such commerce, the courts adopt a very simple approach. They first ask whether the object of Congressional regulation may be rationally said to move in or affect interstate commerce—the interstate nature of air transportation here requires no argument.

After concluding that interstate commerce is involved, the courts then determine whether there is *a rational connection* between the problem which the legislation seeks to meet and the method chosen by the Congress to deal with it. The courts' function is not to decide whether the methods chosen were the best or the wisest ways of regulating the commerce. These are the responsibilities of the legislature. The courts' job is ended once it decides if there was a reasonable tie between the evils against which the Act is drawn and the means chosen to cope with the evils.

And in deciding the degree of rationality required to uphold the constitutionality of Congressional regulation of commerce, the court properly accords great latitude to the

Congress. Indeed, I know of no case during the last 25 years in which the Supreme Court has held to be unconstitutional a statute dealing with something which the Court has concluded to move in or affect interstate commerce.

Thus, in *Atlanta Motel* v. *United States*, 379 U.S. 241, upholding the constitutionality of the public accommodations provisions of 1964 Civil Rights Act, the Supreme Court described the judicial function in interstate commerce cases in explicit terms.

"The only questions are: (1) whether Congress had a rational basis for finding that racial discrimination by motels affected commerce, and (2) if it had such a basis, whether the means it selected to eliminate that evil are reasonable and appropriate." *Id.* at 258–259.

These tests are easily met here. First, air transportation is clearly interstate commerce. Second, the means contemplated by the Morse Resolution (a 180-day no-strike period, during which time mediation will go forward and in which any agreement with respect to wages will be retroactive to January 1, 1966) are "reasonable and appropriate" to "eliminate the evil" (a tie-up of essential air transportation services which has inflicted heavy and continuing damage to the national interest and to the traveling public). While it could be argued that the Morse Resolution is not the *only* rational means of coping with the current strike, it cannot fairly be said that it is not *a* rational means of dealing with the strike.

3. When essential transportation services are threatened, Section 10 of the Railway Labor Act calls not only for the establishment of an emergency board, *but also for a ban on strikes or lockouts during the 60-day period the emergency board is considering and has reported on the dispute.* 45 U.S.C. 160. There are no cases on this point only because the law is so clear that neither management nor labor has ever thought it worth the trouble to make the contrary argument.

Since the Morse Resolution merely extends the Section 10 period during which work and mediation is to proceed, it can be said to be unconstitutional only if Section 10 as now constituted is unconstitutional. In other words, the Morse Resolution is unconstitutional only if the whole pattern of railway labor negotiations over the past 40 years is unconstitutional.

Neither does it make sense to contend that although the 60-day ban on strikes is constitutional under the present Section 10, the extension of that period by 180 days makes it unconstitutional. After all, the operation of the Railway Labor Act now often prohibits strikes for far more than 180 days while the normal processes of the Act—including the notices, bargaining, mediation and reporting—are being exhausted.

First, however, any lingering doubt on the constitutionality of a 180-day no-strike period should have been laid to rest by the decision of the Court of Appeals for the District of Columbia Circuit in *Brotherhood of Locomotive Fire & Eng.* v. *Certain Carriers*, 225 F. Supp. 11 (D.D.C. 1964), 331 F. 2d 1020 (D.C. Cir. 1964). There, the Court of Appeals affirmed a lower court decision upholding the 1963 railway strike statute, which prohibited strikes for two years after the arbitration award went into effect—for a total ban of about 2½ years after passage of the statute itself.

4. The Court of Appeals decision in the *Locomotive Firemen* case *supra*, supports the Morse Resolution in another respect. The 1963 railway statute provided a far more drastic remedy than would the Morse Resolution in that the former called for compulsory arbitration whereas the Morse Resolution does not. The 1963 Act banned strikes for 2½ years *and* imposed compulsory arbitration and nevertheless was found to be constitutional. These two elements would appear to make the constitutionality of the milder Morse Resolution an *a fortiori* matter.

5. It is true that the 1963 railway situation posed more of an emergency threat than does the current airline strike at this time. But this difference is not significant. In the first place, it is settled that Congress has the authority to avert emergencies, as well as to resolve those that have actually arisen. *Wilson* v. *New*, *supra*, 243 U.S. at 348. Moreover, in weighing the constitutionality of legislative action, it is settled that the courts will relate the statutory remedy to the situation it seeks to correct. In other words, an emergency situation may justify imposition of more drastic measures than would be true of a less-than-emergency situation. The Morse Resolution follows this approach by avoiding drastic steps. It avoids compulsory arbitration and cuts the no-strike, no lockout period from 2½ years to the relatively short period of ½ year. And, under the terms of the bill, the parties themselves will fix the wages and working conditions for the six-month cooling-off period, as well as for the future. To put it another way, the Morse Resolution rationally tailors the relief sought to the nature of the conditions against which the relief is directed. This underscores the essential soundness of the bill in constitutional terms; it deals logically and rationally with the precise nature of the interruption of air services.

6. *Wilson* v. *New*, 243 U.S. 332, held constitutional a Congressional statute which went far beyond anything contemplated by the Morse Resolution. The Act in question imposed, by *legislation*, the terms and conditions on which a railway labor dispute was to be settled. In other words, Congress *legislated* a solution. It did not leave the parties free to try to resolve their difference during a no-strike period as does the Morse Resolution.

It did not set up a board of arbitration to resolve the points of controversy as did the 1963 Emergency Railway Act. Instead, in *Wilson* v. *New*, the Congress had imposed specific terms on the railroads and unions for which work was to be continued for a period of up to 9 months. Nevertheless, the Act was upheld. In the light of that decision, the constitutionality of the Morse Resolution follows as a matter of course.

Mr. MORSE. It is not surprising but understandable that many of my colleagues have been asking me a good many questions dealing with the merits of the substantive issue in this dispute; namely, the argument as to whether, in view of the profits of the industry during the past 2 years, the workers are not entitled to their demands, or almost their demands.

I have already discussed in previous speeches in the Senate, and in the committee, my position in regard to that point. I have said over and over again that the workers are entitled to a fair settlement, but the fact is that in the past 2 years, which is really the only 2-year period in the last 10-year period the airline companies have been making substantial profits. In fact, during the past 10-year period there have been several years in which various companies have lost money and not made money. Including the years of profits, their return is 5.1 percent. They would have a hard time getting an investment in industry if, over a 10-year period, there was only a 5.1-percent return on investment.

The question is also raised as to how much of the profits the workers are entitled to. They are entitled to some, but so is the public.

As I said earlier, this is a regulated industry, with hundreds of millions of dollars of the taxpayers' money invested in the industry, first in the form of subsidies for the large carriers, in the building of airports with taxpayers' money, which provided work opportunities for the workers and the private enterprise opportunity for the carriers.

So we have an industry that has a vested public interest, which means Government has regulatory power over it. It does not mean that in a regulated industry the workers can demand whatever they think the traffic will bear and enforce their demand with a strike, if their demand is obviously exhorbitant. Nor does it mean that the carriers can charge anything they want. It means the Government has set up a regulatory board, known as the Civil Aeronautics Board, to regulate the industry, to take whatever steps are necessary in the fixing of rates, to see to it that it receives a fair return, to see to it that the public shares in the profits, to the point of having the rates fixed at a reasonable figure, leaving also a fair share of profits to the workers and the companies.

With regard to whether or not in some particular industry, some particular job classification may get more in that particular plant, and that therefore these workers ought to be allowed higher wages, there must be a complete understanding of the criteria that will have to be considered by any board, or by any arbiter, for that matter, in connection with mediation in the fixing of wages.

So I ask unanimous consent to have printed at this point in the RECORD a memorandum headed "Special Comparison of Airline Wage Rates to Wages in Comparable Industries and Occupations."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SPECIAL COMPARISON OF AIRLINE WAGE RATES TO WAGES IN COMPARABLE INDUSTRIES AND OCCUPATIONS

During a public hearing before the Committee on Labor and Public Welfare of the United States Senate on July 27, 1966, suggestions were made by a spokesman for the IAM that wages currently being paid to the employees they represent are inequitably low when compared to certain other industries and contract settlements. Particular reference was made to comparable wages in bus line repair, auto and truck repair, defense industries, etc. Actually, these allegations amount to an attempt at relitigating the questions of fact which had been fully heard and decided by Presidential Emergency Board No. 166. A discussion of selected rates in this context is inappropriate. The following comments are offered, however, to assist interested persons in analyzing the accuracy and credibility of the allegations made in the Hearing:

I. TYPICAL GREYHOUND BUS RATES

There is a wide variation between the rates of pay for Greyhound bus mechanics around the country and for such mechanics in certain west coast locations. The IAM cited a recent IAM-Greyhound settlement which gave a basic hourly wage to west coast bus repair mechanics in excess of $4.00 an hour. That is true. The reference to this figure overlooks, however, the fact that the pay

for bus repair mechanics working for this and related companies elsewhere in the United States is as follows:

Miami	$3.32
Chicago	3.38
Washington-Baltimore	3.39
New York City	3.32
Boston	3.32
Atlanta	3.32
Pittsburgh	3.32
Minneapolis-St. Paul	3.38

To the best of our knowledge, the foregoing rates include cost of living factors where such factors are an element in the contract. When comparing the current $3.52 mechanics rate, which would be subject to an immediate 18¢ increase to $3.70 according to the PEB No. 166 recommendation, it should be evident that the recommendation continues to keep airline mechanics far ahead of the large majority of their colleagues working on bus repair around the nation. In this brief analysis, it is also impossible to completely tell how the bus companies place a limited number of employees in the maximum rates which are described above. Early reports indicate a tendency to restrict the number of mechanics occupying the maximum rate and to expand the number of lesser skilled employees in lower labor grades working on bus repair.

II. TYPICAL TRUCK REPAIR RATES

The Industrial Relations Department of the American Trucking Association published on June 1, 1966 a compilation of journeymen mechanics hourly wage rates in effect in selected cities throughout the United States. The rates were drawn from trucking labor agreements, primarily negotiated with the IAM. A copy of that compilation is attached. It should be evident from a comparison of the $3.70 airlines mechanics rate (the result of $3.52 plus 18¢ per PEB recommendation) with the typical rates in effect in 1966 that the airline mechanics are far ahead of the majority of their colleagues working in truck repair around the United States. Again, a small number of west coast locations enjoy a higher wage. Significantly, the PEB recommendation for wage increases of 18¢, 15¢ and 15¢ over the life of the agreement will bring the airline mechanics rates very close to even these, most extreme west coast rates. On the whole, however, the airlines mechanics rate is far ahead and will continue to be far ahead of the majority of truck repair mechanics rates.

III. TYPICAL AEROSPACE WAGE RATES

Douglas Aircraft Company, Inc. and IAM District Lodge 1578 are under a contract from August 2, 1965 through July 15, 1968 for aerospace work by machinists in Santa Monica, California. Wages paid to some representative job categories as of July 18, 1966 are set forth below. These figures show not only the basic wage rate but also a cost of living factor which is being included in the rate beginning in August 1966:

Building and equipment mechanic A	$3.57
Carpenter maintenance A	3.63
Machinists maintenance	3.89
Mechanic, auto A	3.49
Mechanic maintenance A	3.63
Sheetmetal workers, maintenance A	3.57
Storekeeper	3.07

The airlines employ so called "mechanics" to perform comparable functions for these job titles (with the exception of storekeeper whom the airlines entitle a "store's clerk"). Comparing the $3.70 airline mechanics rate for all of these job categories to the rates stated above, it should be evident that the airlines are ahead of the wages paid in most of the representative mechanical categories drawn from the Douglas-Lodge 1578 agreement. Under the PEB recommendation, a typical airline storekeeper would be paid $3.07, the same wage being paid at Douglas for the same function. Obviously, a more detailed analysis is necessary if this subject is going to be seriously pursued. A brief study shows, however, that there is no pattern of inequity when comparing airlines mechanics rates to a typical aerospace company under contract with the IAM in a west coast location. We have not even discussed the lengthy progression steps through which the Douglas-Lodge 1958 contract compels workers to move as they go toward the top of the rate. Again, just as in the bus line situation, there is a great tendency to subdivide categories into lesser skilled levels and lesser pay rates.

IV. UPDATING OF CARRIER EXHIBIT NO. 27 BEFORE PRESIDENTIAL EMERGENCY BOARD NO. 166 COMPARING GROSS HOURLY EARNINGS OF A TYPICAL AIRLINE EMPLOYEE WITH THOSE OF TYPICAL EMPLOYEES IN AMERICAN INDUSTRY

Before the Presidential Emergency Board #166, the carriers introuced Exhibit #27, copy of which is attached. When all of the published categories and rate levels in this airline bargaining unit are considered, from messenger to technician, including mechanics, and when overtime and various forms of premium pay are included in the computation, the weighted average gross hourly wage for a typical employee in this airline bargaining unit turned out to be $3.42 per hour (this is a statistical figure and there is not necessarily any employee receiving this particular sum). Exhibit #27 showed that when this airline figure was compared to an identically computed figure in other American industries, the airline employees ranked first and have ranked first for many years. We have reviewed the U.S. Department of Labor's booklet "Employment and Earnings and Monthly Report on the Labor Force" Volume 12 No. 12 for June 1966, to update the earnings rankings shown in Exhibit #27.

A copy of that United States Department of Labor release is enclosed. Based on the data available in May 1966, the airline employees ranking in first place continues to be true. We refer interested parties to data on pages 60, 62, 64, 66 and 68 of the most recent BLS study, for confirmation of this fact. The weighted average used in Exhibit 27 was $3.42. We conservatively estimate that the Presidential Emergency Board's recommendation would add 18¢ to that figure, resulting in a new $3.60 weighted average. That keeps the airline employees substantially ahead of their counterparts in a broad representative sample of other American industries.

Mr. MORSE. Mr. President, I also ask unanimous consent to have inserted at this point in the RECORD other data and material that I have used in the presentation of my point of view before the Labor and Public Welfare Committee, and before the Senate, dealing, for example, with the item of earnings, dealing with a table showing the comparison of wage rates of comparable workers in this industry and with workers generally or in so-called comparable industries.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[CARRIERS EXHIBIT 27]

RANKING OF AVERAGE GROSS HOURLY EARNINGS OF PRODUCTION WORKERS BY INDUSTRY, MAINTENANCE OF EQUIPMENT, AND STORES EMPLOYEES OF THE RAILROADS AND IAM-REPRESENTED EMPLOYEES OF THE FIVE CARRIERS

This exhibit shows the relationship of the average gross hourly earnings of the IAM-represented employees of the five carriers with the gross hourly earnings of production workers by industry groups and railroad maintenance of equipment and stores employees throughout the past 10 years.

The IAM-represented employees progressed from a ranking of fifth place among the groups in 1956 to the top position in 1962, a position which has been retained to date.

Ranking of average gross hourly earnings of production workers by industry, maintenance of equipment, and stores employees of the railroad and IAM-represented employees of the 5 carriers, January of each year 1956–66

	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956
5 carriers	$3.42 (1)	$3.41 (1)	$3.32 (1)	$3.18 (1)	$3.09 (1)	$2.94 (2)	$2.86 (2)	$2.78 (1)	$2.48 (3)	$2.35 (4)	$2.19 (5)
Petroleum refining and related industries	3.37 (2)	3.24 (2)	3.20 (2)	3.14 (2)	3.08 (2)	3.00 (1)	2.89 (1)	2.77 (2)	2.73 (1)	2.60 (1)	2.43 (1)
Transportation equipment	3.29 (3)	3.19 (3)	3.08 (3)	2.97 (4)	2.87 (4)	2.76 (4)	2.74 (4)	2.60 (4)	2.44 (5)	2.36 (3)	2.23 (4)
Primary metals industries	3.23 (4)	3.15 (4)	3.06 (4)	2.99 (3)	3.01 (3)	2.82 (3)	2.86 (2)	2.76 (3)	2.56 (2)	2.47 (2)	2.33 (2)
Ordnance and accessories	3.16 (5)	3.07 (5)	2.97 (5)	2.89 (5)	2.80 (5)	2.74 (5)	2.64 (5)	2.58 (5)	2.46 (4)	2.30 (6)	2.14 (7)
Printing publishing and allied industries	3.09 (6)	3.00 (6)	3.93 (6)	2.83 (6)	2.78 (6)	2.71 (6)	2.63 (6)	2.54 (6)	2.44 (5)	2.35 (4)	2.28 (3)
Machinery	3.03 (7)	2.92 (7)	2.84 (7)	2.75 (7)	2.67 (7)	2.58 (8)	2.53 (8)	2.43 (8)	2.33 (8)	2.26 (7)	2.16 (6)
Railroad, maintenance of equipment and stores	[1]2.96 (8)	2.88 (8)	2.74 (9)	2.73 (8)	2.62 (9)	2.62 (7)	2.55 (7)	2.51 (7)	2.36 (7)	2.21 (8)	2.09 (8)
Chemicals and allied products	2.93 (9)	2.84 (9)	2.77 (8)	2.69 (9)	2.63 (8)	2.54 (9)	2.46 (9)	2.35 (9)	2.25 (9)	2.14 (9)	2.03 (9)
Fabricated metal products	2.81 (10)	2.72 (10)	2.65 (10)	2.58 (10)	2.53 (10)	2.45 (10)	2.42 (10)	2.31 (10)	2.20 (10)	2.11 (10)	2.00 (11)
Paper and allied products	2.70 (11)	2.61 (11)	2.52 (11)	2.44 (13)	2.38 (14)	2.29 (15)	2.22 (15)	2.15 (15)	2.06 (15)	1.97 (15)	1.87 (15)
Stone, clay, and glass products	2.67 (12)	2.56 (14)	2.50 (13)	2.44 (13)	2.39 (13)	2.30 (14)	2.26 (13)	2.17 (14)	2.10 (13)	2.02 (13)	1.91 (13)
Instruments and related products	2.66 (13)	2.59 (12)	2.51 (12)	2.46 (11)	2.42 (11)	2.36 (11)	2.27 (12)	2.20 (12)	2.11 (12)	2.04 (12)	1.93 (11)
Rubber and miscellaneous plastic products	2.64 (14)	2.59 (12)	2.50 (13)	2.46 (11)	2.42 (11)	2.34 (12)	2.32 (11)	2.26 (11)	2.14 (11)	2.08 (11)	2.01 (10)
Electrical equipment and supplies	2.61 (15)	2.56 (14)	2.50 (13)	2.43 (15)	2.38 (14)	2.31 (13)	2.25 (14)	2.18 (13)	2.09 (14)	2.02 (13)	1.90 (14)
Food and kindred products	2.48 (16)	2.44 (16)	2.38 (16)	2.30 (16)	2.24 (16)	2.16 (16)	2.10 (16)	2.01 (16)	1.93 (16)	1.84 (16)	1.75 (16)
Miscellaneous manufacturing industries	2.20 (17)	2.14 (17)	2.09 (17)	2.03 (17)	1.98 (17)	1.93 (17)	1.89 (17)	1.83 (17)	1.79 (17)	1.75 (17)	1.66 (17)
Lumber and wood products	2.16 (18)	2.08 (18)	2.08 (18)	1.97 (18)	1.97 (18)	1.84 (19)	1.83 (19)	1.80 (19)	1.74 (19)	1.65 (19)	1.60 (19)
Furniture and fixtures	2.15 (19)	2.07 (19)	2.02 (19)	1.97 (18)	1.94 (19)	1.89 (18)	1.86 (18)	1.81 (18)	1.76 (18)	1.72 (18)	1.65 (18)
Tobacco manufacturers	2.15 (19)	2.05 (20)	1.97 (20)	1.90 (20)	1.81 (20)	1.74 (20)	1.69 (20)	1.63 (20)	1.55 (20)	1.50 (21)	1.41 (21)
Leather and leather products	1.91 (21)	1.86 (21)	1.79 (21)	1.74 (21)	1.71 (21)	1.65 (21)	1.62 (21)	1.58 (21)	1.54 (21)	1.50 (21)	1.43 (20)
Textile-mill products	1.91 (21)	1.83 (22)	1.76 (23)	1.69 (23)	1.65 (23)	1.61 (23)	1.59 (22)	1.51 (23)	1.49 (23)	1.49 (23)	1.41 (21)
Apparel and related products	1.85 (23)	1.81 (23)	1.78 (22)	1.70 (22)	1.69 (22)	1.62 (22)	1.58 (23)	1.57 (22)	1.53 (22)	1.51 (20)	1.41 (21)

[1] As of November 1965.

NOTE.—Figure in parenthesis indicates ranking of earnings.

Source: "Employment and Earnings," U.S. Department of Labor, "Wage Statistics for Class I Carriers." Interstate Commerce Commission Company Records.

TABLE C–2.—*Gross hours and earnings of production workers, by industry*

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
	Mining	$129.81	$122.60	$127.37	$123.97	$120.51	$3.04	$2.94	$2.99	$2.91	$2.89
10	Metal mining		134.30	129.79	127.68	125.33		3.16	3.12	3.04	3.02
101	Iron ores		139.07	133.74	131.04	127.98		3.28	3.27	3.15	3.16
102	Copper ores		141.76	135.99	134.42	132.25		3.20	3.17	3.09	3.09
11, 12	Coal mining		117.64	143.44	138.40	134.11		3.40	3.49	3.46	3.43
12	Bituminous		120.05	146.08	141.40	137.07		3.43	3.52	3.50	3.47
	Crude petroleum and natural gas		122.12	121.69	117.15	114.66		2.86	2.83	2.75	2.73
131, 132	Crude petroleum and natural gas fields		128.84	126.36	123.73	121.80		3.15	3.12	3.04	3.00
138	Oil and gas field services		116.87	118.09	112.20	108.61		2.65	2.63	2.55	2.52
14	Quarrying and nonmetallic mining		120.50	116.22	119.09	111.25		2.66	2.60	2.55	2.50
142	Crushed and broken stone		119.66	114.29	117.85	110.38		2.59	2.49	2.45	2.41
	Contract construction	141.35	140.60	142.88	140.16	132.49	3.81	3.80	3.79	3.65	3.61
15	General building contractors		131.74	134.32	129.54	124.24		3.68	3.65	3.52	3.49
16	Heavy construction		137.48	138.65	139.86	126.72		3.42	3.39	3.33	3.20
161	Highway and street construction		134.89	133.95	139.53	121.20		3.29	3.22	3.26	3.03
162	Other heavy construction		139.87	142.61	140.22	132.10		3.55	3.53	3.42	3.37
17	Special trade contractors		147.42	149.92	147.04	139.76		4.05	4.03	3.89	3.85
171	Plumbing, heating, and air conditioning		155.07	155.96	152.10	147.45		4.07	4.03	3.90	3.87
172	Painting, paperhanging, and decorating		136.22	134.82	136.90	128.49		3.87	3.83	3.72	3.64
173	Electrical work		171.97	173.38	170.82	166.71		4.49	4.48	4.38	4.33
174	Masonry, plastering, stone, and tile work		140.59	142.40	137.47	129.28		4.04	4.00	3.84	3.78
176	Roofing and sheet metal work		116.90	122.50	121.97	108.24		3.50	3.51	3.36	3.28
	Manufacturing	112.05	111.24	110.95	107.53	105.82	2.70	2.70	2.68	2.61	2.60
19, 24, 25, 32–39	Durable goods	121.82	121.54	120.69	117.46	115.93	2.88	2.88	2.86	2.79	2.78
20–23, 26–31	Nondurable goods	97.93	96.71	96.88	94.00	92.20	2.43	2.43	2.41	2.35	2.34
	DURABLE GOODS										
19	Ordnance and accessories	132.19	132.62	131.67	128.96	126.28	3.14	3.15	3.15	3.10	3.08
192	Ammunition, except for small arms	131.52	132.99	132.75	133.34	130.19	3.20	3.22	3.23	3.19	3.16
1925	Guided missiles and spacecraft, complete		143.45	144.14	140.61	137.78		3.44	3.44	3.34	3.32
194	Sighting and fire control equipment		130.42	134.51	125.37	125.11		3.12	3.15	3.15	3.12
191, 193, 195, 196, 199	Other ordnance and accessories	134.23	132.00	129.03	120.22	117.50	3.03	3.00	2.98	2.89	2.88
24	Lumber and wood products, except furniture	94.47	91.84	88.51	89.42	86.69	2.26	2.24	2.18	2.16	2.13
242	Sawmills and planing mills	88.41	85.48	82.62	82.40	79.59	2.11	2.09	2.04	2.00	1.97
2421	Sawmills and planing mills, general		87.10	84.23	84.46	81.41		2.14	2.09	2.05	2.02
243	Millwork, plywood, and related products	103.39	99.25	97.47	98.79	94.76	2.41	2.38	2.36	2.33	2.30
2431	Millwork		96.22	94.87	94.53	89.72		2.37	2.36	2.30	2.26
2432	Veneer and plywood		102.29	100.06	102.23	99.30		2.39	2.36	2.35	2.32
244	Wooden containers	76.26	75.53	73.98	72.98	71.81	1.82	1.82	1.80	1.75	1.76
2441, 2442	Wooden boxes, shook, and crates		73.74	71.28	71.48	69.94		1.76	1.73	1.71	1.71
249	Miscellaneous wood products	87.56	87.14	87.14	85.08	83.64	2.12	2.11	2.11	2.05	2.04
25	Furniture and fixtures	90.67	88.75	89.64	85.89	85.06	2.19	2.17	2.16	2.10	2.09
251	Household furniture	84.87	83.64	84.67	80.99	80.39	2.07	2.06	2.05	1.99	1.98
2511	Wood house furniture, unupholstered		80.10	80.98	77.65	77.04		1.93	1.91	1.84	1.83
2512	Wood house furniture, upholstered		88.98	89.69	83.11	84.63		2.23	2.22	2.17	2.17
2515	Mattresses and bedsprings		89.01	89.70	86.75	85.79		2.30	2.30	2.23	2.24
252	Office furniture		108.20	108.97	102.48	99.63		2.54	2.54	2.44	2.43
254	Partitions: office and store fixtures		112.89	113.02	111.64	108.00		2.74	2.73	2.69	2.68
253, 259	Other furniture and fixtures	97.29	94.58	94.43	90.47	89.16	2.30	2.29	2.27	2.18	2.18
32	Stone, clay, and glass products	115.06	113.82	112.56	110.66	106.97	2.72	2.71	2.68	2.61	2.59
321	Flat glass		155.86	154.51	147.98	150.58		3.65	3.61	3.49	3.51
322	Glass and glassware, pressed or blown	109.62	109.47	111.92	106.52	104.54	2.70	2.73	2.71	2.63	2.64
3221	Glass containers		110.09	114.13	109.89	108.11		2.78	2.75	2.70	2.73
3229	Pressed and blown glassware, not elsewhere classified		108.40	109.47	101.96	100.04		2.67	2.67	2.53	2.52
324	Cement, hydraulic	131.56	132.19	130.94	121.54	124.09	3.17	3.17	3.14	2.95	2.99
325	Structural clay products	98.41	98.23	95.87	95.15	94.02	2.36	2.35	2.31	2.26	2.26
3251	Brick and structural clay tile		92.87	89.04	89.86	87.77		2.18	2.12	2.08	2.07
326	Pottery and related products		98.00	96.87	94.49	93.06		2.45	2.44	2.38	2.35
327	Concrete, gypsum and plaster products	118.99	116.60	114.06	116.10	108.11	2.68	2.65	2.61	2.58	2.52
328, 329	Other stone and mineral products	116.33	115.63	113.82	109.88	107.27	2.75	2.74	2.71	2.61	2.61
3291	Abrasive products		119.42	118.58	112.61	111.36		2.85	2.83	2.72	2.69
33	Primary metal industries	137.99	138.74	137.25	134.09	141.12	3.27	3.28	3.26	3.17	3.20
331	Blast furnace and basic steel products		146.97	143.56	140.69	156.52		3.55	3.51	3.39	3.44
3312	Blast furnaces, steel and rolling mills		147.55	144.54	141.66	159.04		3.59	3.56	3.43	3.48
332	Iron and steel foundries	126.85	128.17	128.60	126.58	122.12	2.95	2.96	2.97	2.89	2.86
3321	Gray iron foundries		126.73	126.59	127.68	122.97		2.90	2.91	2.85	2.84
3322	Malleable iron foundries		128.13	132.49	122.72	126.05		3.08	3.11	2.95	2.98
3323	Steel foundries		131.33	130.90	124.82	120.10		3.04	3.03	2.93	2.88
333, 334	Nonferrous smelting and refining	128.71	129.32	126.96	123.06	125.21	3.05	3.05	3.03	2.93	2.96
335	Nonferrous rolling, drawing, and extruding	137.64	134.77	134.20	128.76	127.15	3.10	3.07	3.05	2.96	2.95
3351	Copper rolling, drawing, and extruding		139.99	140.30	133.29	126.18		3.16	3.16	3.05	2.99
3352	Aluminum rolling, drawing, and extruding		141.04	137.26	132.56	140.85		3.22	3.17	3.09	3.13
3357	Nonferrous wire drawing and insulating		127.02	128.16	123.64	117.04		2.90	2.88	2.81	2.78
336	Nonferrous foundries	118.16	117.74	117.17	113.13	109.06	2.80	2.79	2.77	2.70	2.66
3361	Aluminum castings		118.58	118.02	112.34	109.48		2.83	2.81	2.72	2.69
3362, 3369	Other nonferrous castings		117.30	116.03	114.06	109.03		2.76	2.73	2.69	2.64
339	Miscellaneous primary metal industries	151.51	146.46	150.23	141.57	134.55	3.42	3.43	3.43	3.30	3.25
3391	Iron and steel forgings		150.72	156.09	146.20	139.74		3.58	3.58	3.44	3.40

TABLE C–2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
34	Fabricated metal products	$121.84	$119.99	$119.85	$116.75	$113.02	$2.86	$2.85	$2.84	$2.76	$2.73
341	Metal cans	141.70	138.14	135.36	134.83	143.66	3.25	3.22	3.20	3.18	3.28
342	Cutlery, handtools, and general hardware.	114.26	113.02	113.57	110.81	108.65	2.74	2.73	2.73	2.67	2.65
3421, 3423, 3425	Cutlery and handtools, including saws.		113.21	112.36	105.41	102.66		2.67	2.65	2.54	2.51
3429	Hardware, not elsewhere classified.		113.15	114.67	113.85	112.20		2.78	2.79	2.75	2.73
343	Heating equipment and plumbing fixtures.	110.03	108.40	108.00	104.40	101.01	2.71	2.71	2.70	2.61	2.59
3431, 3432	Sanitary ware and plumbers' brass goods.		110.42	109.07	105.59	103.10		2.74	2.72	2.62	2.61
3433	Heating equipment, except electric.		106.40	106.53	103.22	99.33		2.68	2.67	2.60	2.58
344	Fabricated structural metal products.	119.42	117.73	117.03	114.11	108.95	2.85	2.83	2.82	2.73	2.69
3441	Fabricated structural steel		120.38	119.39	116.06	111.66		2.88	2.87	2.77	2.73
3442	Metal doors, sash, frames, and trim.		99.38	98.40	98.47	92.67		2.46	2.46	2.39	2.37
3443	Fabricated platework (boiler shops).		123.06	124.10	119.85	113.70		2.93	2.92	2.84	2.78
3444	Sheet metalwork		123.02	123.35	120.98	116.62		2.95	2.93	2.86	2.81
3446, 3449	Architectural and miscellaneous metalwork.		119.70	113.93	110.70	106.38		2.85	2.82	2.72	2.70
345	Screw machine products, bolts, etc.	128.13	126.83	128.82	121.00	117.50	2.86	2.85	2.85	2.75	2.72
3451	Screw machine products		118.63	120.78	112.15	110.94		2.69	2.69	2.59	2.58
3452	Bolts, nuts, screws, rivets, and washers.		133.80	135.29	128.45	123.26		2.98	2.98	2.88	2.84
346	Metal stampings	134.90	132.75	131.89	131.26	125.40	3.08	3.08	3.06	2.99	2.93
347	Coating, engraving, and allied services.	107.36	105.08	105.42	98.95	96.29	2.55	2.52	2.51	2.39	2.36
348	Miscellaneous fabricated wire products.	110.46	108.84	108.52	104.25	101.93	2.63	2.61	2.59	2.50	2.48
349	Miscellaneous fabricated metal products.	119.99	117.46	117.87	116.05	111.65	2.81	2.79	2.78	2.75	2.71
3494, 3498	Valves, pipe, and pipe fittings		120.70	121.55	119.71	114.26		2.84	2.84	2.81	2.74
35	Machinery	135.83	134.03	134.51	127.74	123.38	3.08	3.06	3.05	2.95	2.91
351	Engines and turbines		144.86	141.57	132.29	132.48		3.33	3.30	3.18	3.20
3511	Steam engines and turbines		147.65	145.51	135.74	138.04		3.41	3.44	3.36	3.40
3519	Internal combustion engines, not elsewhere classified.		143.88	140.40	130.82	130.00		3.30	3.25	3.10	3.11
352	Farm machinery and equipment		131.09	132.62	119.31	116.97		3.07	3.07	2.91	2.86
353	Construction and related machinery.	133.85	132.07	133.42	124.82	122.22	3.07	3.05	3.06	2.93	2.91
3531, 3532	Construction and mining machinery.		135.56	135.77	127.44	125.70		3.16	3.15	3.02	3.00
3533	Oil field machinery and equipment.		124.68	121.82	121.00	118.21		2.84	2.82	2.75	2.73
3535, 3536	Conveyors, hoists, and industrial cranes.		130.24	136.34	120.37	115.93		2.94	2.99	2.81	2.78
3540	Metalworking machinery and equipment.	156.37	153.45	153.64	146.10	141.75	3.32	3.30	3.29	3.19	3.1
3541	Machine tools, metal cutting types.		146.28	146.45	138.31	133.79		3.18	3.17	3.06	3.02
3544	Special dies, tools, jigs, and fixtures.		172.18	171.34	164.57	160.14		3.55	3.54	3.45	3.40
3545	Machine tool accessories		137.56	138.01	130.54	126.29		3.03	3.02	2.94	2.91
3542, 3548	Miscellaneous metalworking machinery.		141.51	143.74	135.86	130.94		3.18	3.18	3.06	3.01
355	Special industry machinery	125.99	124.98	125.24	120.22	114.36	2.87	2.86	2.84	2.77	2.71
3551	Food products machinery		131.26	129.79	127.01	114.00		2.99	2.96	2.94	2.85
3552	Textile machinery		103.76	105.22	101.95	99.06		2.43	2.43	2.36	2.32
3555	Printing trades machinery		134.04	131.67	127.54	124.07		3.11	3.02	2.98	2.49
356	General industrial machinery	134.33	132.24	132.54	125.99	120.80	3.06	3.04	3.04	2.93	2.89
3561	Pumps; air and gas compressors		127.46	127.31	122.39	116.48		2.93	2.92	2.82	2.78
3562	Ball and roller bearings		137.34	136.28	132.68	123.97		3.15	3.14	3.05	2.98
3566	Mechanical power transmission goods		135.58	135.74	125.42	121.96		3.04	3.03	2.91	2.89
357	Office, computing, and accounting machines.	131.63	128.52	132.13	125.33	122.13	3.09	3.06	3.08	2.97	2.95
3571	Computing machines and cash registers.		134.92	139.00	132.40	128.96		3.22	3.24	3.13	3.10
358	Service industry machines	116.34	115.79	115.92	113.82	109.34	2.79	2.77	2.76	2.71	2.68
3585	Refrigeration, except home refrigerators.		115.37	114.54	115.08	110.30		2.78	2.76	2.74	2.71
359	Miscellaneous machinery	128.03	127.58	127.87	122.48	117.00	2.89	2.88	2.88	2.79	2.74
36	Electrical equipment and supplies	108.09	107.68	107.79	150.37	102.91	2.63	2.62	2.61	2.57	2.56
361	Electric distribution equipment	114.53	113.30	115.50	112.75	110.03	2.74	2.73	2.75	2.73	2.71
3611	Electric measuring instruments.		103.41	103.66	99.54	98.31		2.51	2.51	2.47	2.47
3612	Power and distribution transformers.		118.86	119.00	116.75	117.18		2.81	2.84	2.82	2.81
3613	Switchgear and switchboard apparatus.		118.53	122.83	120.25	114.09		2.87	2.89	2.87	2.81
362	Electrical industrial apparatus	117.73	117.87	118.71	115.48	112.19	2.77	2.78	2.78	2.73	2.71
3621	Motors and generators		119.14	119.14	117.87	113.99		2.81	2.81	2.78	2.76
3622	Industrial controls		114.09	115.83	111.83	108.88		2.71	2.70	2.65	2.63
363	Household appliances	118.24	119.68	114.77	112.33	111.93	2.87	2.87	2.82	2.76	2.75
3632	Household refrigerators and freezers.		132.68	121.50	124.92	123.19		3.10	3.03	3.01	2.99
3633	Household laundry equipment.		120.36	125.28	110.26	108.86		2.95	2.99	2.82	2.77
3634	Electric housewares and fans		99.14	100.04	97.61	97.61		2.46	2.47	2.41	2.41
364	Electric lighting and wiring equipment.	102.91	101.34	101.43	99.63	96.24	2.51	2.49	2.48	2.43	2.40
3641	Electric lamps		104.86	104.86	103.38	100.00		2.57	2.57	2.54	2.50
3642	Lighting fixtures		99.29	99.06	100.21	97.77		2.47	2.44	2.45	2.42
3643, 4	Wiring devices		100.86	101.35	97.23	93.13		2.46	2.46	2.36	2.34
365	Radio and TV receiving sets	89.17	91.57	91.87	88.98	87.62	2.31	2.33	2.32	2.27	2.27
366	Communication equipment	120.22	119.65	120.67	116.31	111.48	2.89	2.89	2.88	2.83	2.78
3661	Telephone and telegraph apparatus.		121.72	123.19	118.53	110.92		2.94	2.94	2.87	2.78
3662	Radio and TV communication equipment.		118.28	119.00	114.80	112.03		2.85	2.84	2.80	2.78

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
367	Electronic components and accessories.	$93.25	$91.35	$92.43	$90.20	$87.56	$2.28	$2.25	$2.26	$2.20	$2.20
3671-3673	Electron tubes		110.93	112.46	102.75	101.40		2.55	2.55	2.47	2.51
3674, 3679	Electronic components, not elsewhere classified.		86.37	87.02	86.50	83.56		2.17	2.17	2.12	2.11
369	Miscellaneous electrical equipment and supplies.	117.79	117.62	117.10	112.33	111.35	2.88	2.89	2.87	2.76	2.77
3694	Electrical equipment for engines.		121.10	118.80	118.20	116.87		2.99	2.97	2.89	2.90
37	Transportation equipment	140.48	141.47	140.06	137.81	134.09	3.29	3.29	3.28	3.19	3.17
371	Motor vehicles and equipment		148.68	144.57	148.07	144.32		3.41	3.37	3.32	3.31
3711	Motor vehicles		154.86	149.04	155.50	150.62		3.48	3.45	3.41	3.40
3712	Passenger car bodies		149.74	144.14	148.70	154.07		3.54	3.49	3.45	3.47
3713	Truck and bus bodies		114.11	114.54	114.51	111.78		2.79	2.78	2.72	2.70
3714	Motor vehicle parts and accessories.		148.43	145.68	147.74	142.35		3.42	3.38	3.32	3.28
372	Aircraft and parts	141.70	139.75	141.48	130.73	127.00	3.25	3.25	3.26	3.12	3.09
3721	Aircraft		139.73	140.81	128.86	127.41		3.28	3.29	3.12	3.10
3722	Aircraft engines and engine parts.		141.26	143.01	134.30	125.96		3.27	3.28	3.16	3.11
3723, 3729	Other aircraft parts and equipment.		137.09	140.04	129.93	126.42		3.13	3.14	3.05	3.01
373	Ship and boat building and repairing.	130.83	129.07	130.10	122.78	120.47	3.13	3.11	3.12	2.98	2.96
3731	Shipbuilding and repairing		135.05	137.52	128.64	126.27		3.27	3.29	3.13	3.11
3732	Boatbuilding and repairing		101.63	98.71	99.48	97.88		2.38	2.39	2.38	2.37
374	Railroad equipment		138.20	132.44	127.92	124.34		3.33	3.27	3.19	3.18
375, 379	Other transportation equipment		95.68	95.60	93.56	89.77		2.38	2.39	2.31	2.29
38	Instruments and related products	114.33	112.29	112.67	107.90	104.38	2.69	2.68	2.67	2.60	2.59
381	Engineering and scientific instruments.		130.59	133.18	124.44	113.96		3.08	3.09	2.97	2.96
382	Mechanical measuring and control devices.	116.14	114.36	113.79	108.47	103.86	2.72	2.71	2.69	2.62	2.59
3821	Mechanical measuring devices		117.12	116.69	109.67	105.56		2.73	2.72	2.63	2.60
3822	Automatic temperature controls.		110.27	109.98	107.01	101.26		2.67	2.65	2.61	2.57
383, 385	Optical and ophthalmic goods	102.43	96.63	101.46	96.70	95.82	2.41	2.38	2.41	2.33	2.32
385	Ophthalmic goods		88.26	91.24	88.37	87.72		2.19	2.22	2.15	2.15
384	Surgical, medical, and dental equipment.	96.51	93.79	93.89	90.63	88.26	2.32	2.31	2.29	2.26	2.24
386	Photographic equipment and supplies.		135.21	131.63	129.90	127.75		3.08	3.04	3.00	3.02
387	Watches and clocks		90.50	91.62	87.85	85.28		2.24	2.24	2.18	2.17
39	Miscellaneous manufacturing industries.	88.80	87.74	88.88	84.56	83.10	2.22	2.21	2.20	2.13	2.12
391	Jewelry, silverware, and plated ware.	100.12	100.21	100.60	93.96	92.92	2.46	2.45	2.43	2.32	2.30
394	Toys, amusement, and sporting goods.		77.61	78.99	76.05	73.92		1.99	2.01	1.94	1.93
3941-3943	Toys, games, dolls, and play vehicles.		74.30	76.82	72.77	70.69		1.94	1.98	1.89	1.89
3949	Sporting and athletic goods, not elsewhere classified.		83.01	82.81	81.61	80.00		2.07	2.06	2.02	2.01
395	Pens, pencils, office and art materials.		84.84	85.44	82.41	81.19		2.10	2.12	2.05	2.04
396	Costume jewelry, buttons, and notions.		79.97	82.42	78.41	77.03		2.04	2.04	1.97	1.97
393, 398, 399	Other manufacturing industries	95.75	94.80	95.47	90.52	89.04	2.37	2.37	2.34	2.28	2.26
393	Musical instruments and parts		98.25	99.53	95.27	93.06		2.42	2.41	2.37	2.35
	NONDURABLE GOODS										
20	Food and kindred products	103.89	102.21	101.25	100.45	98.74	2.54	2.53	2.50	2.45	2.45
201	Meat products	109.20	106.53	105.73	107.42	105.06	2.67	2.65	2.67	2.62	2.62
2011	Meatpacking		124.64	124.94	123.73	123.31		3.04	3.04	2.96	2.95
2013	Sausages and other prepared meats.		114.51	115.83	116.34	110.00		2.87	2.86	2.79	2.75
2015	Poultry dressing and packing		61.60	56.25	60.45	55.65		1.60	1.58	1.57	1.55
202	Dairy products	107.94	107.26	106.85	105.15	103.74	2.57	2.56	2.55	2.48	2.47
2024	Ice cream and frozen desserts		104.94	104.41	104.83	103.28		2.63	2.63	2.52	2.55
2026	Fluid milk		112.36	111.14	110.17	108.54		2.65	2.64	2.58	2.56
203	Canned and preserved food, except meats.		83.55	81.30	79.17	75.17		2.17	2.09	2.03	2.01
2031, 2036	Canned, cured and frozen seafoods.		56.00	57.96	52.49	51.10		1.83	1.72	1.63	1.53
2032, 2033	Canned food, except seafood		91.37	89.91	88.13	83.10		2.29	2.22	2.16	2.21
2037	Frozen food, except seafoods		84.87	78.00	78.88	75.58		2.05	1.95	1.91	1.88
204	Grain mill products	115.44	114.23	114.84	110.25	111.25	2.60	2.62	2.61	2.50	2.54
2041	Flour and other grain mill products.		122.99	121.21	116.34	118.10		2.77	2.73	2.65	2.66
2042	Prepared feeds for animals and fowls.		98.12	96.79	94.26	94.76		2.21	2.18	2.09	2.12
205	Bakery products	104.75	102.40	101.35	100.35	99.05	2.58	2.56	2.54	2.49	2.47
2051	Bread, cake, and perishable products.		103.97	102.40	102.72	101.25		2.58	2.56	2.53	2.50
2052	Biscuit, crackers, and pretzels.		95.94	97.42	93.30	92.19		2.46	2.46	2.38	2.37
206	Sugar		117.01	119.97	117.17	110.40		2.84	2.79	2.77	2.76
207	Confectionery and related products.	86.46	85.14	86.18	83.28	80.98	2.24	2.20	2.16	2.13	2.12
2071	Candy and other confectionery products.		81.20	82.58	80.13	77.11		2.12	2.08	2.06	2.04
208	Beverages	116.64	116.93	114.97	114.95	112.72	2.88	2.88	2.86	2.79	2.79
2082	Malt liquors		152.18	149.85	147.78	144.80		3.73	3.70	3.64	3.62
2086	Bottled and canned soft drinks.		87.13	85.47	86.05	81.77		2.12	2.10	2.02	1.98
209	Miscellaneous food and kindred products.	102.06	99.84	99.54	97.86	96.28	2.43	2.40	2.37	2.33	2.32
21	Tobacco manufacturers	86.41	85.65	84.80	81.10	77.96	2.28	2.26	2.22	2.18	2.19
211	Cigarettes		103.72	102.80	96.72	94.17		2.68	2.67	2.60	2.58
212	Cigars		65.28	66.15	62.87	58.48		1.75	1.75	1.69	1.71
22	Textile mill products	81.64	79.90	81.22	76.54	75.03	1.93	1.94	1.92	1.84	1.83
221	Cotton broad woven fabrics	83.76	82.84	84.15	78.38	77.23	1.93	1.94	1.93	1.84	1.83
222	Silk and synthetic broad woven fabrics.	87.32	85.14	86.68	82.78	80.60	1.98	1.98	1.97	1.89	1.87

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
223	Weaving and finishing broad woolens.	$89.76	$87.26	$87.23	$83.42	$82.18	$2.04	$2.02	$2.01	$1.94	$1.92
224	Narrow fabrics and smallwares	80.64	77.49	79.52	75.76	73.67	1.92	1.89	1.88	1.83	1.81
225	Knitting	72.68	68.81	70.98	67.55	65.60	1.84	1.83	1.82	1.75	1.74
2251	Women's full and knee length hosiery.		65.87	72.22	66.29	65.39		1.79	1.81	1.74	1.73
2252	All other hosiery		56.80	59.31	56.83	55.29		1.60	1.59	1.54	1.54
2253	Knit outerwear		73.63	73.89	72.57	69.19		1.99	1.96	1.88	1.87
2254	Knit underwear		66.56	67.60	63.53	62.54		1.72	1.72	1.65	1.65
226	Finishing textiles, except wool and knit.	90.92	92.19	91.94	84.77	81.56	2.09	2.10	2.08	1.99	1.97
227	Floor covering		79.95	81.60	76.63	77.15		1.95	1.92	1.86	1.85
228	Yarn and thread	76.50	76.32	76.79	72.25	71.15	1.80	1.80	1.79	1.70	1.69
229	Miscellaneous textile goods	92.45	91.59	91.38	86.11	84.05	2.16	2.15	2.13	2.06	2.05
23	Apparel and related products	68.44	67.51	69.37	65.52	63.72	1.87	1.87	1.88	1.80	1.79
231	Men's and boys' suits and coats	85.47	83.92	85.25	81.37	78.28	2.22	2.22	2.22	2.13	2.11
232	Men's and boys' furnishings	57.93	57.67	59.09	57.68	56.61	1.57	1.58	1.58	1.53	1.53
2321	Men's and boys' shirts and nightwear.		57.04	58.93	56.70	56.24		1.58	1.58	1.52	1.52
2327	Men's and boys' separate trousers.		58.46	60.04	58.14	57.68		1.58	1.58	1.53	1.53
2328	Work clothing		56.24	56.17	56.92	54.61		1.52	1.51	1.49	1.48
233	Women's misses', and juniors' outerwear.	71.40	70.99	73.28	66.84	65.86	2.04	2.04	2.07	1.96	1.96
2331	Women's blouses, waists, and shirts.		62.63	62.81	58.31	57.29		1.81	1.81	1.72	1.71
2335	Women's, misses', and juniors' dresses.		73.70	74.69	67.67	68.21		2.13	2.11	2.02	2.03
2337	Women's suits, skirts, and coats.		77.45	83.49	76.16	69.53		2.34	2.47	2.26	2.25
2339	Women's and misses' outerwear, not elsewhere classified.		64.58	66.15	62.24	61.90		1.75	1.75	1.71	1.71
234	Women's and children's undergarments.	63.30	61.39	63.07	59.50	57.21	1.72	1.71	1.70	1.63	1.63
2341	Women's and children's underwear.		58.03	60.64	56.83	54.64		1.63	1.63	1.57	1.57
2342	Corsets and allied garments		67.70	68.27	64.58	62.13		1.86	1.85	1.75	1.75
235	Hats, caps, and millinery		66.23	73.66	67.13	67.07		1.85	1.98	1.87	1.90
236	Girls' and children's outerwear	64.24	62.47	64.38	61.12	57.40	1.76	1.74	1.74	1.67	1.64
2361	Children's dresses, blouses, and shirts.		60.37	62.26	60.09	57.45		1.72	1.72	1.66	1.67
237, 238	Fur goods and miscellaneous apparel.		71.34	71.57	70.25	67.26		1.96	1.95	1.93	1.90
239	Miscellaneous fabricated textile products.	74.69	73.71	73.92	73.54	70.88	1.95	1.95	1.93	1.92	1.89
2391, 2392	Housefurnishings		62.87	65.40	60.72	59.86		1.69	1.69	1.65	1.64
26	Paper and allied products	119.30	117.50	116.91	112.66	109.72	2.73	2.72	2.70	2.62	2.60
261, 262, 266	Paper and pulp	135.00	132.91	131.72	127.11	123.52	3.00	2.98	2.96	2.85	2.82
263	Paperboard	142.13	141.52	136.96	130.34	125.12	3.05	3.05	3.01	2.89	2.85
264	Converted paper and paperboard products.	103.99	101.92	101.99	97.88	97.00	2.47	2.45	2.44	2.37	2.36
2643	Bags, except textile bags		96.64	97.63	90.63	90.72		2.34	2.33	2.26	2.24
265	Paperboard containers and boxes	107.78	105.34	107.10	102.41	98.66	2.53	2.52	2.52	2.45	2.43
2651, 2652	Folding and setup paperboard boxes.		92.63	95.17	91.58	87.74		2.31	2.31	2.25	2.21
2653	Corrugated and solid fiber boxes		114.48	114.84	110.59	105.47		2.67	2.64	2.59	2.56
27	Printing, publishing, and allied industries.	122.22	120.12	121.06	117.04	115.67	3.15	3.12	3.12	3.04	3.02
271	Newspaper publishing and printing.	124.87	122.38	119.60	120.15	116.71	3.44	3.39	3.35	3.31	3.26
272	Periodical publishing and printing		124.74	126.00	122.30	121.27		3.15	3.15	3.12	3.07
273	Books		112.05	114.36	110.12	108.09		2.70	2.71	2.66	2.63
275	Commercial printing	125.85	124.03	125.77	119.87	118.78	3.17	3.14	3.16	3.05	3.03
2751	Commerical printing, except litho.		119.81	121.52	115.71	115.41		3.08	3.10	2.99	2.99
2752	Commerical printing, lithographic.		130.73	132.84	127.66	125.33		3.22	3.24	3.16	3.11
278	Bookbinding and related industries.	94.92	93.65	94.95	92.28	90.09	2.44	2.42	2.41	2.36	2.34
274, 276, 277, 279	Other publishing and printing industries.	122.50	122.11	125.05	119.12	119.27	3.19	3.18	3.19	3.07	3.09
28	Chemicals and allied products	124.49	124.66	122.64	120.69	120.84	2.95	2.94	2.92	2.86	2.85
281	Industrial chemicals	137.61	139.68	137.76	135.24	138.88	3.30	3.31	3.28	3.22	3.26
2812	Alkalies and chlorine		135.62	133.40	131.84	137.85		3.26	3.23	3.20	3.29
2818	Industrial organic chemicals, not elsewhere classified.		150.15	147.13	143.06	148.26		3.50	3.47	3.39	3.44
2819	Industrial inorganic chemicals, not elsewhere classified.		132.99	132.89	131.46	135.46		3.22	3.21	3.16	3.21
282	Plastics materials and synthetics	124.12	125.70	122.09	120.13	122.11	2.90	2.93	2.90	2.82	2.82
2821	Plastics materials and resins		136.03	134.51	131.40	132.46		3.05	3.05	3.00	2.99
2823, 2824	Synthetic fibers		114.68	109.75	109.88	111.45		2.75	2.69	2.61	2.61
283	Drugs	112.88	111.93	111.93	106.60	104.12	2.76	2.73	2.73	2.60	2.59
2834	Pharmaceutical preparations		106.00	106.53	101.15	99.54		2.65	2.65	2.51	2.52
284	Soap, cleaners, and toilet goods	119.52	116.18	116.20	111.70	108.80	2.88	2.82	2.80	2.74	2.72
2841	Soap and detergents		143.30	140.19	132.19	130.09		3.42	3.33	3.24	3.22
2844	Toilet preparations		96.80	97.51	92.66	90.32		2.39	2.39	2.34	2.31
285	Paints, varnishes, and allied products.	120.70	117.74	115.23	115.06	111.24	2.84	2.81	2.77	2.72	2.70
287	Agricultural chemicals	108.03	108.35	106.48	105.11	104.09	2.39	2.33	2.33	2.30	2.21
2871, 2872	Fertilizers, complete and mixing only.		105.06	102.58	102.34	101.07		2.24	2.23	2.22	2.11
286.9	Other chemical products	119.42	118.43	115.62	116.20	115.23	2.85	2.84	2.82	2.76	2.75
29	Petroleum refining and related industries.	144.24	146.12	141.62	137.80	139.07	3.41	3.43	3.38	3.25	3.28
291	Petroleum refining	151.98	154.64	149.58	143.72	147.05	3.61	3.63	3.57	3.43	3.46
295, 299	Other petroleum and coal products.	118.96	116.14	111.87	116.33	108.94	2.76	2.72	2.67	2.62	2.60
30	Rubber and miscellaneous plastics products.	111.41	110.51	110.46	107.59	104.45	2.64	2.65	2.63	2.58	2.56
301	Tires and inner tubes		163.16	159.56	148.43	145.86		3.65	3.61	3.46	3.44
302, 303, 306	Other rubber products	107.01	104.14	105.57	102.75	99.54	2.56	2.54	2.55	2.50	2.47
307	Miscellaneous plastics products	93.79	92.25	92.96	91.52	88.91	2.26	2.25	2.24	2.20	2.19

TABLE C-2.—*Gross hours and earnings of production workers, by industry*—Continued

SIC Code	Industry	Average weekly earnings					Average hourly earnings				
		May 1966	April 1966	March 1966	May 1965	April 1965	May 1966	April 1966	March 1966	May 1965	April 1965
31	Leather and leather products	$74.69	$72.95	$73.92	$71.44	$69.56	$1.94	$1.93	$1.92	$1.88	$1.88
311	Leather tanning and finishing	103.16	101.43	101.52	99.42	96.93	2.51	2.48	2.47	2.39	2.37
314	Footwear, except rubber	72.19	69.94	71.05	68.25	66.61	1.88	1.87	1.86	1.82	1.82
312, 313, 315, 316, 317, 319	Other leather products	71.82	71.63	72.77	69.74	67.16	1.89	1.89	1.89	1.84	1.84
317	Handbags and personal leather goods.		67.52	69.91	66.05	63.01		1.82	1.83	1.79	1.79
	TRANSPORTATION AND PUBLIC UTILITIES										
4011	Railroad transportation: Class I railroads.				129.43	129.93				3.01	2.98
	Local and interurban passenger transit:										
411	Local and suburban transportation.		110.88	109.62	109.06	106.50		2.64	2.61	2.56	2.56
413	Intercity and rural buslines		143.42	131.77	130.94	128.40		3.18	3.13	3.01	3.00
42	Motor freight transportation and storage.		131.25	131.88	129.55	126.46		3.14	3.14	3.07	3.04
422	Public warehousing		93.53	92.98	91.49	92.51		2.38	2.36	2.34	2.36
46	Pipeline transportation		152.81	150.75	148.45	146.37		3.70	3.65	3.56	3.51
48	Communication		115.89	116.47	113.08	112.12		2.89	2.89	2.82	2.81
481	Telephone communication		111.08	111.63	107.87	106.66		2.77	2.77	2.69	2.68
4817	Switchboard operating employees.		83.90	82.63	82.80	80.15		2.28	2.27	2.25	2.19
4818	Line construction employees		153.32	156.05	149.63	150.30		3.43	3.46	3.37	3.37
482	Telegraph communication		124.85	124.26	122.24	120.53		2.89	2.91	2.81	2.79
483	Radio and television broadcasting		148.52	148.45	146.52	145.78		3.76	3.73	3.70	3.70
49	Electric, gas, and sanitary services		133.99	133.25	131.14	130.00		3.26	3.25	3.16	3.14
491	Electric companies and systems		135.88	136.29	133.22	132.07		3.29	3.30	3.21	3.19
492	Gas companies and systems		123.22	121.58	120.83	118.03		3.02	2.98	2.94	2.90
493	Combined utility systems		145.91	144.89	142.54	142.54		3.55	3.56	3.41	3.41
494, 495, 496, 497	Water, steam, and sanitary systems.		109.74	107.83	104.83	104.33		2.67	2.63	2.52	2.52

Source: Employment and Earnings and Monthly Report on the Labor Force, June 1966, U.S. Department of Labor, W. Willard Wirtz, Secretary.

NOTE.—Data for the 2 most recent months are preliminary.

Selected hourly wage rates for journeymen mechanics (excerpts from International Association of Machinists trucking labor contracts)

City and State	1965		1966		1967		Contract expires
	Date	Rate	Date	Rate	Date	Rate	
Akron, Ohio	July 1	$3.36					Mar. 15, 1967
Albuquerque, N. Mex	Aug. 1	3.28	Jan. 1	$3.33			Mar. 31, 1967
Allentown, Pa	Aug. 31	3.28	Aug. 31	3.36	Mar. 31	$3.46	Aug. 31, 1967
Baltimore, Md	Oct. 1	3.25	Oct. 1	3.37			Oct. 1, 1967
Billings, Mont	Aug. 1	3.30	Aug. 1	3.44			Aug. 1, 1967
Boston, Mass	Nov. 28	3.27	Dec. 27	3.43			July 1, 1967
Buffalo, N.Y	Aug. 1	3.345	Aug. 1	3.445			July 31, 1967
Butte, Mont	July 1	3.28	July 1	3.40	July 1	3.53	June 30, 1968
Chicago, Ill	Jan. 1	3.58	Jan. 1	3.76	Jan. 1	4.02	Dec. 31, 1968
Cincinnati, Ohio	Mar. 1	3.45	Mar. 1	3.55			June 1, 1967
Cleveland, Ohio	July 1	3.30	July 1	3.37			June 30, 1967
Columbus, Ohio	do	3.30	do	3.37			Do.
Detroit, Mich	Feb. 1	3.48	Feb. 1	3.58			Apr. 1, 1967
Des Moines, Iowa	Apr. 1	3.40	Apr. 1	3.51			Do.
El Paso, Tex	Jan. 1	3.40					
	July 1	3.55	May 1	3.68	May 1	3.82	May 1, 1968
Erie, Pa	Jan. 1	3.165	Jan. 1	3.265	Jan. 1	3.365	Jan. 1, 1966
Fresno, Calif	July 1	3.86	May 1	4.06	May 1	4.29	Apr. 30, 1968
Galesburg, Ill	May 1	3.51	do	3.61			Apr. 30, 1967
Kansas City, Kans	Feb. 1	3.23					
Los Angeles, Calif	July 1	3.86	May 1	4.01	May 1	4.16	Apr. 30, 1968
New England area	Nov. 1	3.10	Nov. 1	3.15	do	3.25	Oct. 31, 1967
Newark, N.J	July 1	3.15					July 1, 1966
New Castle, Pa	June 1	3.355	June 1	3.455			May 31, 1967
New York City, N.Y	Apr. 1	3.50	October 1966	3.645			Aug. 31, 1966
Oklahoma City, Okla	Feb. 1	3.29	Feb. 1	3.39			Apr. 1, 1967
Omaha, Nebr	Mar. 18	3.51	Mar. 18	3.61			Mar. 31, 1967
Peoria, Ill	Feb. 1	3.20	Feb. 1	3.30			Do.
Pittsburgh, Pa	do	3.42	do	3.52			Do.
Philadelphia, Pa	Feb. 17	3.27					Feb. 17, 1966
Phoenix, Ariz	July 1	3.55	May 1	3.68	May 1	3.82	Aug. 1, 1968
Portland, Oreg	May 1	3.40					May 1, 1965
Reading, Pa	Oct. 1	3.36	Oct. 1	3.46			Oct. 30, 1967
Sacramento, Calif	July 1	3.86	May 1	4.06	May 1	4.26	Apr. 30, 1968
San Francisco, Calif	do	3.86	do	4.06	do	4.26	Do.
St. Louis, Mo	May 16	3.08		3.08			May 15, 1968
Seattle, Wash	May 1	3.50	May 1	3.63	May 1	3.77	May 1, 1968
San Diego, Calif	July 1	3.86	do	4.01	do	4.16	Apr. 30, 1968
St. Paul, Minn	Feb. 1	3.46	Feb. 1	3.57			Apr. 1, 1967
Toledo, Ohio	July 1	3.42	July 1	3.52			Aug. 31, 1967
Wichita, Kans	Feb. 1	3.18	Jan. 1	3.28			Jan. 31, 1966
	Aug. 1	3.23					

Mr. MORSE. Mr. President, I am surprised, as I read newspapers, to read the impression created by some of these articles that the workers in this industry are an underpaid group of workers. They are not underpaid workers in comparison with wages prevailing in comparable industry generally. That does not mean they are not entitled to a wage increase. I have always said they are. It is a question of how much they are entitled to.

During the debate today, there has been much discussion by Senators who feel we should not pass any legislation at all because there is no national emergency. There cropped up in the several days of testimony or debate the statement that more defense goods had been moved since the strike started than before the strike.

There are two points to which I call attention. How many more defense goods would have been moved if there had not been a strike? Second, if the Air Force had not absorbed some of the shock of the strike, in my judgment the Defense Department could not be making any such statement. If the Government owned all the trains and all the telephone systems, there would not be a defense threat from possible stoppages in those services in the months and weeks ahead. We have a multimillion-dollar Air Force Establishment, and it has been able to take up some of the shock.

This union is entitled to the highest of praise for the cooperation it extended to the Defense Establishment in regard to servicing flights dealing with transportation for the Defense Establishment. It worked out with the Department of Labor and with the Defense Department an understanding in regard to this matter, and it has kept it. I highly commend the union for it. At the same time, I point out that our defense posture tonight would be much better if the strike had not occurred and the workers had continued to service the civilian planes in connection with defense transportation thus permitting the Air Force to use its flights for purposes other than those to which the Air Force planes have been put since the strike started.

Let us not forget that the taxpayers are paying an unknown amount of money to make certain that the Air Force takes care of any business that is presented to it that this strike has created that is not

taken care of by use of civilian planes still flying. We do not know how much that amount of money is, but I have been assured, when I have pressed officials who know, that it is considerable.

Another point in closing is that the joint resolution which was passed by the Congress on August 29, 1963, did deal with the railroad strike. That is the reason why the Congress stated in that resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

I ask unanimous consent that the entire joint resolution be printed at this point in the RECORD, because it is on the basis of that resolution that, in my judgment, Congress took an action even more drastic than the action of sending men back to work.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

THE 1963 RAILWAY WORK RULES LAW

(Public Law 88–108, 88th Congress, S. J. Res. 102, August 28, 1963)

[77 Stat. 132]

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen, and the Switchmen's Union of North America, labor organizations, threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

[45 USC 151]

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas, on August 2, 1963, the Secretary of Labor submitted to the carrier and organization representatives certain suggestions as a basis of negotiation for disposition of the fireman (helper) and crew consist issues in the dispute and thereupon through such negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

[Railroads, settlement of disputes]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

[Arbitration Board]

SEC. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carrier and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such member or members in lieu of such party and shall also name the additional three members necessary to constitute a board of seven members, all within ten days after the date of enactment of this joint resolution. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the arbitrators not named by the parties at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

SEC. 3. Promptly upon the completion of the naming of the arbitration board the Secretary of Labor shall furnish to the board and to the parties to the dispute copies of his statement to the parties of August 2, 1963, and the papers therewith submitted to the parties, together with memorandums and such other data as the board may request setting forth the matters with respect to which the parties were in tentative agreement and the extent of disagreement with respect to matters on which the parties were not in tentative agreement. The arbitration board shall make a decision, pursuant to the procedures hereinafter set forth, as to what disposition shall be made of those portions of the carriers' notices of November 2, 1959, identified as "Use of Firemen (Helpers) on Other Than Steam Power" and "Consist of Road and Yard Crews" and that portion of the organizations' notices of September 7, 1960, identified as "Minimum Safe Crew Consist" and implementing proposals pertaining thereto. The arbitration board shall incorporate in such decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement, and shall, in making its award, give due consideration to those matters on which the parties were in tentative agreement. Such award shall be binding on both the carrier and organization parties to the dispute and shall constitute a complete and final disposition of the aforesaid issues covered by the decision of the board of arbitration.

[44 Stat. 582–585. 45 USC 157, 158, 159]

SEC. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the arbitration board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

[Hearings]

SEC. 5. The arbitration board shall begin its hearings thirty days after the enactment of this joint resolution or on such earlier date as the parties to the dispute and the board may agree upon and shall make and file its award not later than ninety days after the enactment of this joint resolution: *Provided, however,* That said award shall not become effective until sixty days after the filing of the award.

SEC. 6. The parties to the disputes arising from the aforesaid notices shall immediately resume collective bargaining with respect to all issues raised in the notices of November 2, 1959, and September 7, 1960, not to be disposed of by arbitration under section 3 of this joint resolution and shall exert every reasonable effort to resolve such issues by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action toward promoting such agreement.

SEC. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

[Expiration date]

SEC. 8. This joint resolution shall expire one hundred and eighty days after the enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Approved August 28, 1963.

LEGISLATIVE HISTORY

House Report No. 713 accompanying H.J. Res. 665 (Comm. on Interstate & Foreign Commerce).

Senate Report No. 459 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 109 (1963):

Aug. 26: Considered in Senate.

Aug. 27: Considered and passed Senate.

Aug. 28: Considered and passed House in lieu of H.J. Res. 665.

Mr. MORSE. This was an action to prevent men from stopping work. This was an action even ahead of the strike stage. Section 8 of the joint resolution provides:

> This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

That sentence reads as follows, speaking of the award:

> The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

That is quite a drastic resolution. It is an interesting precedent that the Senator from Oregon cites in support of the major principle of his own resolution.

I am sorry that it was necessary to take this amount of time, but I felt that the RECORD ought to be made tonight so that it will be available to Senators tomorrow.

Mr. CLARK. Mr. President, the hour is late.

I do not intend to reply tonight to what the Senator from Oregon and the Senator from Louisiana have said. To the extent that it may be necessary, I shall be prepared to speak tomorrow.

For the moment, I feel compelled by the action of the Senator from Louisiana in placing in the RECORD a letter from the Attorney General to say that, in my opinion and in the opinion of many other lawyers in the Senate, no serious legal or constitutional issue is involved. The Attorney General raised constitutional and legal issues, and this merely creates a smokescreen that obscures the real problem. In the end, the issue between the majority of the committee and the Senator from Oregon boiled down to a question of good government and political judgment as to which method was preferable.

I have advanced my own reasons earlier as to why I think the committee resolution is preferable to that of the Senator from Oregon. I have no desire to repeat them now.

I would hope that in accordance with the order heretofore entered, the Senate might stand in adjournment until 11 o'clock tomorrow morning.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold that for a moment?

Mr. CLARK. I am happy to withdraw it for the time being.

Mr. LONG of Louisiana. Mr. President, lawyers differ about many things. As a lawyer, I find myself sometimes thinking of a statement that the majority leader [Mr. MANSFIELD] once made. Senator MANSFIELD is not a lawyer; and when he has heard lawyers debate back and forth over a long period of time on some technical point of law, he has said that his best understanding about lawyers is that in every lawsuit you have lawyers on both sides; one side wins and the other side loses; so his impression is that the average lawyer is right 50 percent of the time.

I, of course, have a high regard for the legal talents of the Senator from Pennsylvania. I have a high regard for the talents of the Senator from Oregon, who was one of the great law school deans of the country prior to coming to the Senate. The Senator from Oregon has had much experience in the labor field, and I would say, as one who is a lawyer of sorts and has practiced some government law, I yield to those who are professionals in the labor field on a matter of this sort.

I do not know what experience the Senator from Pennsylvania may have had in this field; but generally speaking, Mr. President, it has been my opinion that the Attorney General is a very good lawyer, and he has some extremely able lawyers available to work with and advise him in this field. I would say that if I were seeking a sound opinion from someone on a matter of this sort, the opinion of the Attorney General would rate very high, in my judgment.

The Senator from Oregon is also a very experienced student and teacher of the law. In the labor relations field he has been eminent.

I should say, Mr. President, that while every Senator is entitled to have the highest regard for his own opinion, I would not lightly dismiss the opinion of the Attorney General of the United States and the opinion of the senior Senator from Oregon on a matter such as this, where both of them have great experience and, in my judgment, great talent in the field.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10220) for the relief of Abdul Wohabe.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes;

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed service to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates;

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; and

H.J. Res. 810. Joint resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day."

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 7028. An act to provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles of those lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 11979. An act to make permanent the act of May 22, 1965, authorizing the payment of special allowances to dependents of members of the uniformed services to offset expenses incident to their evacuation, and for other purposes;

H.R. 11984. An act to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas;

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area; and

H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S.S. *Thresher*; to the Committee on the Armed Services.

H.R. 8000. An act to amend the Ship Mortgage Act, 1920, relating to fees for certification of certain documents, and for other purposes; to the Committee on Commerce.

H.R. 12596. An act to amend the Immigration and Nationality Act, as amended;

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estate of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted-service certificates; and

H.J. Res. 810. Joint Resolution to authorize the President to proclaim the 8th day of September 1966 as "International Literacy Day": to the Committee on the Judiciary.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order heretofore entered, that the Senate adjourn until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate adjourned until 11 o'clock a.m., Wednesday, August 3, 1966.

NOMINATIONS

Executive nominations received by the Senate August 2, 1966:

IN THE AIR FORCE

Marsene E. Adkisson, FR34673, for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be captain, USAF (Medical)

Robert S. Demski, FV3126109.

To be captain, USAF (Dental)

Richard A. Gallagher, FV3140460.

To be first lieutenants, USAF (Dental)

James L. Bowman, FV3142061.
John W. Nehls, Jr., FV3165753.
Paul C. Doran, FV3141533.
Kenneth L. Roehrig, FV3142321.

The following distinguished graduates of the Air Force precommissioned schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Charles J. Abbe, FV3160420.
Frederic L. Abrams, FV3177377.
John W. Adams, FV3172214.
Bruce D. Allen, FV3183795.
Mervin B. Allen, FV3162834.
Martin G. Anderson, FV3183796.
Lawrence A. Ankeney, FV3175861.
Edward L. Arnn, Jr., FV3159580.
Karl Auerbach, FV3174225.
Jon P. Bachelder, FV3160996.
John W. Bandy, FV3170928.
John B. Barham, FV3159199.
Richard L. Bartels, FV3175729.
James B. Barton, FV3173013.
John W. Beasley, FV3176371.
Scott W. Beckwith, FV3162232.
Robert E. Bennett, FV3173610.
David W. Blakely, FV3162565.
Samuel J. Bowden, FV3183800.
George V. Boyd III, FV3174738.
John A. Boyd, FV3175555.
Paul H. Bragaw, FV3159382.
James H. Brittingham, FV3162980.
Wesley H. Broers, FV3158508.
Nelson C. Brown, FV3176911.
John F. Bubel, FV3174526.
James P. Buchanan, FV3162238.
Daniel R. Burchfield, FV3163510.
William E. Burrows, FV3172294.
John A. Caffo, FV3171671.
Lawrence J. Cahill, FV3174077.
Von A. Campbell, FV3179210.
Ralph J. Capio, FV3174079.
William L. Cesarotti, FV3172203.
Michael A. Ciolli, FV316217.
Alan B. Cirino, FV3171306.
Warren E. Cockerham, FV319204.
Sebastian Coglitore, FV3174177.
Peter Conforti, FV3179188.
Richard Coullahan, FV3174178.
Kenneth E. Cox, FV3183801.
Gary L. Curtin, FV3173179.
Arthur D. Daub, FV3172495.
Bobby G. Davis, FV3183803.
John S. Davis, FV3159205.
William W. Davis, FV3173944.
Richard A. Devoss, FV3173180.
David M. Dirks, FV3134217.
Gary R. Ebert, FV3177367.
Edgar C. Edwards, FV3160072.
William V. Edwards, FV3161250.
Timm G. Engh, FV3183804.
John J. Ezell, FV3162383.
Jack S. Fenster, FV3158224.
William D. Fields III, FV3171933.
John M. Florell, FV3172790.
Joseph V. Florini, FFV3133965.
Richard E. Ford, FV3172498.
Thomas W. Forehand, FV3183806.
Alan M. Forker, FV3172664.
James A. Freeman, FV3171599.
Phillip M. Friday, FV3178987.
Robert C. Fuge, FV3174231.
Lewis B. Gaines, FV3172921.
Brian W. Galusha, FV3174408.
Manuel W. Garrido, FV3174187.
Samuel R. Gaston, FV3162578.
John D. German, Jr., FV3177203.
Sidney C. Gibson, FV3183807.
Ronald A. Gieleghem, FV3173492.
Benjamin J. Giles, FV3157319.
Joseph K. Gill, FV3174542.
Orest R. Gogosha, FV3174486.
Richard A. Goodwin, FV3174021.
Howard M. Goodwyn, Jr., FV3154490.
Leon M. Gopon, FV3158532.
John B. Gordon, FV3172372.
Wade A. Greer, FV3176620.
James R. Grigsby, FV3171047.
David M. Grimm, FV3173434.
Robert K. Gross, FV3173562.
Donald L. Hall, Jr., FV3179141.
Stephen E. Harrison, FV3159411.
Gary T. Hawes, FV3176759.
Lee M. Hazel, FV3183811.
Wayne R. Heinke, FV3172503.
Earl D. Henderson, FV3183813.
Arthur K. Hendrick, FV3183814.
Peter M. Hendricks, FV3172454.
James L. Hendrickson, FV3175131.
Dennis C. Hermerding, FV3176274.
John C. Heuss, FV3174593.
Douglas W. Hill, FV3157705.
Terry S. Hoag, FV3158486.
Gerald R. Holladay, FV3183815.
Claude F. Hough III, FV3175564.
Richard A. House II, FV3171230.
Harold E. Howell, FV3183816.
Jack D. Howell, FFV3163517.
Robert F. Jobe, FV3171050.
Gerald L. Jones, FV3183818.
Johnnie Kemp, FV3176455.
David J. Kilpatrick, FV3177423.
James T. Kindle, FV3160212.
Oscar W. King, FV3158054.
Jerry G. Klinko, FV3171142.
Ronald D. Langlas, FV3172678.
John T. Large, FV3183842.
Charles T. Larue, Jr., FV3176281.
Robert G. Leadbitter, FV3177309.
Douglas L. Leavens, FV3174594.
Robert L. Leboeuf, FV3179206.
Jamie R. Little, FV3173716.
Daniel W. Litwhiler, FV3158171.
Harold E. Livings, FV3174415.
Gerald J. Lopez, FV3176027.
John S. Lowry III, FV3171008.
Milton A. Magaw, FV3174115.
Gary J. Magnusson, FV3174116.
Frederic J. Maley, FV3159339.
Robert C. Marcan, FV3171314.
Phil S. Martin, FV3175569.
William M. Martin, Jr., FV3174639.
Martin R. McAulay, FV3171146.
Ronald A. McBride, FV3172076.
Roland J. McDonald, FV3173545.
William R. McFadden, FV3172960.
William B. McKelvey, FV3175077.
Robert M. McWhorter, FV3174712.
Richard G. Meck, FV3171512.
Robert A. Meyer, FV3175290.
Douglas A. Milbury, FV3174418.
Barry A. Miller, FV3176394.
Kent G. Miller, FV3176547.
Norman A. Mingle, FV3174642.
Gary L. Mitchell, FV3173854.
Joseph A. Mitchell, FV3170746.
Stephen J. Mitchell, FV3174643.
William A. Mitchell, FV3176651.
Carroll E. Mizelle, FV3178975.
Thomas N. Moe, FV3175200.
David M. Morrison, FV3175837.
Wendell F. Moseley, Jr., FV3176707.
David J. Moss, FV3175431.
Gene P. Neely, FV3173906.
Donald J. Neese, FV3183827.
George E. Nelson, FV3183828.
Norman S. Newhouse, FV3179131.
James G. Nicholas, FV3174128.
William C. Oberlin, FV3172548.
William J. O'Neill, FV3172472.
Wesley E. Parks, FV3176859.
Clifford L. Pate, FV3183829.
Roger G. Patrick, FV3173966.
Michael L. Patton, FV3172264.
Dennis A. Piermarini, FV3178980.
William Popendorf, FV3171354.
Stephen G. Porter, FV3179149.
Bronislaw Prokuski, Jr., FV3160563.
Thomas Radziewicz, FV3174138.
Barry J. Rapalas, FV3171016.
George A. Repasy, FV3171232.
Franklin M. Ridenour, FV3173061.
Kenneth A. Rivers, FV3174212.
Kenneth L. Roberts, FV3170966.
Albert E. Rodriguez, FV3173500.
William V. Rogers, FV3160991.
William G. Rohde, FV3172817.
Johnny W. Roquemore, FV3170752.
Richard L. Rose, FV3177179.
Gary C. Ross, FV3173152.
Richard H. Rossmiller, FV3172551.
William J. Ruddell, FV3172333.
Jay D. Ruzak, FV3171360.
Thomas E. Ruzzo, FV3172418.
Terry Sao, FV3177181.
Lawrence E. Sawler, FV3173154.
Charles P. Saxer, FV3171018.
Edward J. Schur, FV3174152.
Barry P. Scott, FV3175579.
Robert J. Selter, FV3172636.
Robert E. Setlow, FV3177092.
Dennis A. Sevakis, FV3173504.
George F. Shaw, FV3155933.
George W. Shell, FV3158064.
James E. Sherrard III, FV3173729.

Carlan W. Silha, FV3172050.
James R. Sloan, FV3177105.
William E. Smith, FV3158818.
William R. Sneddon, FV3183831.
Joseph A. L. Soulia, FV3183832.
William F. Spitzer, FV3175240.
William E. Stanfill, FV3159172.
Richard P. Stead, FV3175514.
Jackie L. Stopkotte, FV3183833.
Daniel E. Stribling, FV3176688.
Errol G. Stump, FV3175347.
Ellison Summerfield, FV3177217.
Robert Taiclet, FV3178892.
Eugene L. Tattini, FV3177388.
Charles H. Tracy, FV3183834.
Bobby D. Taylor, FV3174726.
Earl A. Tonjes, FV3174981.
John P. Tonkinson, FV3174161.
Theodore L. Tower, FV3173476.
Paul E. Tyler, FV3183841.
Leon G. Vandevender, FV3173686.
James Vanlare, FV3174507.
Nicholas C. Varney, FV3177364.
Michael J. Weppner, FV3172486.
Durren L. Westbrooke, FV3183763.
Thomas J. Westerman, FV3173808.
David J. Westfall, FV3161245.
John T. Whaley, FV3176403.
Anthony N. White, FV3161410.
Henry C. Willener, FV3161462.
Edward D. Willette, FV3183837.
David J. Willoughby, FV3172640.
Bennie J. Wilson, FV3171157.
Donald H. Wolber, FV3172441.
James H. Wood, FV3176141.
John A. Zaloudek, FV3134141.
James L. Zartman, FV3176829.
David M. Zieff, FV3160581.
Jaul J. Zwolinski, FV3175973.

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provision of section 2106, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Robert E. Allison, Jr.	George W. Hazlett
Robert C. Allphin, Jr.	Harold E. Heater
Lee S. Altpeter	Robert A. Hendrix
Alden H. Armentrout	William C. Henny
Palmer G. Arnold	James L. Horton, Jr.
Robert B. Barnes	James B. Houston
David W. Barton	Bernard A. James
Robert L. Bennett	Bradford P. Johnson
William H. Block	Donald L. Krump
James E. Bohlen	Frederick E. Lackey
Ralph H. Boswell	Richard C. Lemon
Jon E. Bouwhuis	Eugene M. Loffbour-
William B. Brackin, Jr.	row, Jr.
Ronald L. Bruce	William N. Manning
George M. Burnup	Michael S. McAllister
Stanley J. Bury	Danny L. Mencke
Frederick W. Butler	Charles L. Miller, Jr.
John P. Cable	John W. Miller
Curtis S. Carlson	William P. Miller III
James G. Chickles	Marcus M. Mullis
Robert A. Coulter	Dennis J. Murphy
Bruce T. Cowee	John R. Niles
James P. Crumley, Jr.	Leonard J. Otten III
Frederich C. Damm	Ronald L. Paxson
Otha B. Davenport	Dennis W. Rabe
Robert I. Davis	Alfred J. Ramsey
Roger S. Dong	David B. Reuber
James H. Doolittle III	Michael C. Saunders
Timothy R. Eby	William D. Schmeizer
William H. Edwards II	Richard L. Schoff
James C. Elliott	Robert G. Sims
Donald L. Ellis	Benjamin D. Smith
Nathan F. Fulcher, Jr.	William D. Smith
Robert W. Gallon	Ronald D. Stafford
Richard A. Garrett	Richard H. Swasey
Frank W. Gayer	Franklyn Tauzel
Marlin H. Golnitz	Thomas L. Terrell
Howard W. Guiles	Ra D. Weaver
Claudie A. Hamilton	Henry D. Webb, Jr.
Nicholas D. Hanks	Joseph W. Widhalm
Robert M. Hargett	

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonels

Cortez, James J., O53277.
Sydnor, William D., Jr., O32618.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel, Medical Corps

Schwamb, Halbert H., O67954.

To be lieutenant colonel, Medical Service Corps

Kinney, Charles R., O38566.

To be majors

Doerer, Richard C., OF106098.
Lotz, Alvin W., OF106176.
Thoreson, Dale B., O67477.

To be major, Medical Service Corps

Paradise, Leo J., O73110.

To be captains, Medical Corps

Pastore, Robert A., OF105788.
Stafford, Chester T., OF105831.
Warden, David R., OF105577.
Wilson, Don E., OF106256.
Wurster, John C., OF105884.

To be captains, Dental Corps

Beatty, Edward J., OF106055.
Edington, Dodd E., OF105663.
Wehmeyer, Thomas E., OF106254.

To be captain, Medical Service Corps

Riordan, Michael W., O83442.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Adamick, Donald H., O99124.
Adams, Donald L., Jr., O97375.
Adams, Jack E., O98571.
Adams, Peter D., O98572.
Adkins, Steven M., O97379.
Alakulppi, Vesa J., O98573.
Alexander, William, O98574.
Alger, Terrence F., O98575.
Allen, Glenn R., O97380.
Allen, Harold F., O98002.
Allen, Jonathan W., O98576.
Allen, Michael B., O98577.
Almaguer, Joseph A., O98578.
Anastas, John M., O98003.
Andersen, Jerome R., O98579.
Andersen, Ronald J., O98004.
Anderson, Don W., O97382.
Anderson, Lawrence, O98580.
Anderson, Randall J., O98006.
Anderson, Robert L., O98330.
Andre, David J., O98007.
Andrean, Charles M., OF104369.
Andrews, James H., O97383.
Angle, Thomas L., O97384.
Arbogast, Gordon W., O98581.
Armogida, James A., O98582.
Armstrong, Donald G., O98583.
Armstrong, Lester F., O98360.
Aronson, Stephen M., O97385.
Arrington, Theron R., O98010.
Asbury, Lloyd T., O98584.
Aufdemberge, Robert, O98013.
Bagby, Durwood R., O98585.
Baker, Alfred W., O98014.
Balady, Salim J., O98349.
Ballard, Clark T., O98586.
Banks, Edgar, Jr., O98587.
Barber, Duane D., O97386.
Barger, Walter K., O98103.
Barnett, William A., O97388.
Barron, Max R., O98588.
Barron, William M., O98366.
Barry, David A., Jr., OF102808.
Barry Michael J., O98589.
Bartee, William F., O97400.
Bassett, Byron E., O98590.
Baucum, William N., O98591.
Bauer, Frank L., O98369.
Baumann, Bruce W., O98018.
Baumgarten, John R., OF104372.
Beach, Karl L., O98592.
Beatty, Norman E., O98593.
Beatty, Phillip M., O97391.
Becker, James W., O97392.
Beitz, James E., O97394.
Bell, Clarence D., Jr., O98020.
Bell, John P., O98594.
Bennett, Jerry C., O98021.
Benson, Phillip E., O96316.
Bentson, Peter M., O98595.
Bentz, George H., O98596.
Benware, Marshall G., O97398.
Best, Stephen J., O98597.
Best, Thomas W., O97411.
Betaque, Norman E., O98598.
Bishop, Alexius O., O98022.
Bisio, Carl A., O97402.
Bitter, David D., O98023.
Bivens, Rodger M., O98599.
Blackgrove, Joseph, O98600.
Blackwell, Eugene B., O98601.
Blackwell, James L., O98602.
Bleam, William D., O98024.
Boberg, Walter W., O98375.
Boehlke, Robert J., O98603.
Boesch, Carl R., O97409.
Boice, William M., O98604.
Bollman, Allen R., O97705.
Bolt, William J., OF105629.
Borden, Donald F., O97413.
Born, Howard P., O97412.
Bosma, Phillip H., O98606.
Bowes, Robert S., III, O98607.
Boyle, Michael J., O98608.
Bradford, John D., O99134.
Brady, Edward C., O98609.
Bragg, Thomas B., O98381.
Brant, Arthur S., O98028.
Braun, Sidney J., O98382.
Brendle, Thomas M., O98610.
Brennan, Thomas R., O98611.
Brett, Thomas H., O97417.
Brewer, Thomas A., O99136.
Briggs, Donald T. E., OF101181.
Briggs, Joseph, O97419.
Brinkley, Harley L., O99137.
Brobeil, Francis G., O97420.
Brodie, Craig E., O97421.
Brown, Gerald A., O98385.
Brown, Noel A., O98614.
Brown, Ralph P., O98615.
Brown, Robert E., Jr., O98616.
Brown, William R., Jr., O98617.
Brownback, Paul T., O98618.
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Pinsky, Martin J., O99504.
Plunket, William J., O98333.
Pogorzelski, Jerome, O98888.
Polonis, Lawrence L., O98889.
Pond, David W., O98253.
Pope, Derwin B., O98830.
Popielarski, Stephen, O98890.
Porper, Henry H., Jr., O98891.
Potter, Jerome W., O98892.
Power, John R., Jr., O97734.
Pritchard, Charles, O99126.
Prutow, Dennis J., O98894.
Przybylski, Robert, O98256.
Quinlan, Michael M., O98895.
Quinn, Robert J. III, O98019.
Quinones, Joseph M., O99234.
Ragsdale, Jack D., Jr., O99235.
Ramey, Arthur T., O97249.
Rasmussen, Ralph J., O98896.
Reed, George B., Jr., O99237.
Reeves, Lucius V., O97745.
Reh, Paul A., Jr., O98897.
Reid, John F., O98258.
Reilly, Iain, O98899.
Renwick, Harold M., O99238.
Reusch, Franklin A., O97746.
Reynolds, Irving H., O99239.
Rhodes, Curtis A., O97748.
Rice, Lewis A., O98901.
Riceman, John P., O98902.
Richardson, Obrene, OF102610.
Richardson, Thomas, O97439.
Rielage, Martin J., O97750.
Rivera, Jesus B., O97753.
Robbins, John R. II, O98903.
Robbins, William Y., O98904.
Robert, Emile A., O98905.
Roberts, James F., Jr., O98906.
Roberts, Richard H., O98907.
Robertson, Joe B., O98908.
Robey, Lyle G., O98909.
Robinson, Stephen M., O96912.
Robinson, William A., O98910.
Robison, Donald R., O98269.
Roche, Robert, O97754.
Rochon, Everette C., O99242.
Rodriguez, Arturo, O97757.
Rohs, Thomas J., O97758.
Rolfe, Charles O., Jr., O98911.
Roth, John C., O98912.
Rowan, Edmond M., Jr., O98913.
Rubald, Quintin T., OF105533.
Russell, David E., O97759.
Russell, Terry E., O97760.
Russell, Thomas A., O98914.
Ruth, James M., Jr., O98915.
Ryan, Arthur J., III, O98916.
Sagerser, Roy P., O98273.
Sallee, David K., O98918.
Salzer, James R., O98274.
Sanborn, Robert L., O97763.
Sanchez, Luis T., O98919.
Sarn, James E., O98920.
Sarratt, Robert R., O99246.
Sartor, William M., O98921.
Sasaki, Raymond N., O98276.
Sausser, Robert G., O98922.
Savage, George N., O98277.
Sawin, Peter L., O98923.
Scharf, Paul A., O97764.
Schaum, Fred W., O98925.
Scheidig, Robert E., O98926.
Scherrer, George, Jr., O98927.
Schmidt, Charles L., O98928.
Schodowski, Leonard, O98090.
Schwartz, Karl O., O98930.
Scott, Alan H., O98931.
Scott, William W., O98282.
Scott, William A., O99247.
Seay, Thomas P., O98535.
Seidel, Andrew B., O98932.
Seiwert, Anthony J., O98933.
Senecal, Jan L., O98934.
Sepanski, Stephen J., O97775.
Seremeth, Andrew J., O97776.
Shanholtz, James E., O98537.
Shell, William L., O99248.
Shelton, Gerald F., O97780.
Shepard, John T., O98935.
Shepherd, James G., O97781.
Shine, Alexander P., O98936.
Shirley, Frederick, OF105825.
Shotwell, James H., O98937.
Siebenaler, Donald, O98938.
Sielinski, Peter E., O97785.
Silberstein, Kenneth, O98939.
Sill, Louis F., Jr., O98940.
Silvasy, Stephen, Jr., O98941.
Silvey, William J., O98942.
Sim, Alan R., O98943.
Simmons, Michael D., O98944.
Simonetta, Russell, O98945.
Sivacek, Paul M., O97787.
Sivells,, James B., O99249.
Skender, Louis E., O98284.
Skierkowski, Paul, O98285.
Slakie, Ronald J., O97788.
Sloane, Robert L., O98946.
Smart, Neil A., O98947.
Smelcer, Charles, OF103906.
Smith, Allen C., O97790.
Smith, Converse B., O97791.
Smith, Donald J., O98948.
Smith, Emmette W., O98949.
Smith, Glenn N., O98950.
Smith, Kenneth V., O97793.
Smith, Patrick R., O98951.
Smith, Roger M., O98952.
Smith, Vernon L., O99252.
Smith, William D., Jr., O98953.
Snetzer, Michael A., O98290.
Solenberger, Thomas, O98954.
Sorensen, James E., O98955.
Sorrentini, Hector, O97798.
Soth, Michael J., O98956.
Sowers, Errol G., O99254.
Speed, James W., O98957.
Spight, Thomas, Jr., O98548.
Spohn, Larry L., O98958.
St. Amant, Philemon, O98959.
Stahl, Steven P., O98961.
Stamey, Victor E., O98549.
Stanley, Paul D., O98962.
Steiner, Frederick, OF105832.
Steadman, Kenneth A., O98550.
Steele, Robert M., O98963.
Steinig, Ronald D., O98964.
Stennis, William H., O98965.
Sterrett, John D., O98298.
Stevens, Pat M. IV, O98966.
Stewart, Charles W., O98967.
Stidham, Robert J., O98968.
Stiner, Tommy C., O99258.
Stoesser, Joel W., O98306.
Stonehouse, Gerald, O98969.
Stotski, Chester J., O99259.
Stratton, John W., O97805.
Strauss, Robert E., O98300.
Stribling, Roger W., O98970.
Strickland, David S., OF104554.
Strommer, Mathias A., O98551.
Struble, Daniel O., O98971.
Stryker, James W., O98972.
Stuart, Raymond W., O97806.
Sturbois, Louis J., O98973.
Sturges, Scott L., O98154.
Suddick, Robert A., O97809.
Sullivan, Bloomer D., O99262.
Sullivan, Gerard A., O97810.
Sullivan, John E., O97811.
Sullivan, John P., O97812.
Sullivan, Terrence, O97813.
Summers, Michael H., O98974.
Surgent, Joseph R., O97814.
Sutton, Paul D., O98975.
Swan, Alfred W., Jr., O97550.
Swenson, William E., O97816.
Swisher, Arthur H., O98976.
Taft, John M., O98303.
Tagliaferi, Frederick, O99263.
Taillie, Dennis K., O98977.
Takata, Alvin M., O98304.
Talbott, Charlie Y., O98305.
Tames, Robert G., OF103912.
Tate, Christopher P., O98978.
Taylor, Archie B., Jr., O97820.
Taylor, James D., O99193.
Terry, Elbridge W., O98555.
Tezak, Edward G., O98979.
Thomas, James M., O97823.
Thomas, Michael T., O98308.
Thomas, Ronald W., O97824.
Thompson, Leon G., O98980.
Thompson, Tommy R., O98981.
Thomson, Alexander, O98982.
Thorlin, Philip S., O98983.
Tierney, William J., O97827.
Tilelli, John H., Jr., O98309.
Tilson, James G., O99265.
Tiwanak, Eugene N., O98181.
Tomita, Ralph S., OF105847.
Tomlin, James E., O97829.
Tracz, William J., OF103915.
Travis, James O., O97831.
Trucksa, Robert C., O98984.
Tubb, Albert H., O98491.
Turpin, William C., O98985.
Tyler, Tyron S., O98986.
Tyner, Harris W., O99266.
Uyenoyama, Dennis H., O98315.

Vail, John S., O98192.
Van Zant, John H., Jr., OF105570.
Vande Hei, Thomas F., O98317.
Vandermosten, John, O97838.
Vanderploog, Paul J., O98318.
Vanneman, Robert G., O98987.
Varnell, Allan K., O98988.
Vaughan, Curry N., Jr., O98989.
Vaughn, Robert H., O99267.
Vaughn, Tom J., Jr., O98990.
Vecchiarello, Robert, O98278.
Vejar, Ray J., OF103761.
Venes, Richard A., O98991.
Verrier, Thomas L., O99209.
Vesey, Joseph T., O99268.
Virant, Leo B., II, O98992.
Vlasak, Walter R., O98322.
Vogel, Robert A., O98993.
Vogt, Herman J., O97841.
Vopatak, Michael J., O98994.
Voss, Didrik A., O98995.
Vote, Gary F., O98996.
Wahlbom, Philip C., OF102662.
Walker, John J., O98343.
Walker, John S., Jr., O98997.
Walker, Ralph, II, O98998.
Wall, John C., O98999.
Wall, Kenneth E., Jr., O99000.
Wall, Lewis W., O97842.
Wall, Sandy K., O99001.
Wallace, Gary F., O98505.
Wallace, Terrence M., O98326.
Waller, John S., O99002.
Walsh, Cecil L., O98560.
Walsh, John P., O97843.
Walsh, Michael E., O99003.
Walsh, Richard R., O99004.
Walsh, Robert E., O97844.
Walton, Charles M., O98329.
Wandke, Richard D., O99223.
Wangsgard, Chris P., O99005.
Ward, Richard F., O99270.
Warder, Hiram W., II, O99006.
Ware, Robert P., O97698.
Waring, Kurt E., O97849.
Watkins, James M., O99525.
Watson, Jerry L., 099271.
Watson, Raymon L., O97850.
Weber, Richard E., O99007.
Weishaupt, Robert M., O98561.
Welch, Kennard R., O97853.
Wenners, Edward B., O97854.
Westbrook, Joseph A., O99008.
Westermeier, John T., O99009.
Weyrauch, Paul T., O99010.
Wheeler, John B., O99011.
Whidden, David L., Jr., O99012.
Whipple, Robert E., 098335.
White, Charles T., Jr., O99013.
White, George C., III, O99528.
White, John M., Jr., O97723.
White, Perry S., O98336.
Whitehead, William, O99014.
Whitesides, Leonard, O97861.
Whitman, Gordon L., O97862.
Wilde, Gary D., O99529.
Wilde, Ronnie L., O99530.
Wildrick, Edward W., O99015.
Williams, Budge E., O98564.
Williams, Douglas T., O99016.
Williams, Gomer R., O98339.
Williams, Robert G., O99276.
Williams, William J., O98340.
Williams, William J., O99277.
Williamson, John G., OF103923.
Willman, Landon P., O99278.
Willson, Daniel A., O99017.
Wilman, James F., O97865.
Wilson, Joe H. R., O99018.
Wilson, John W., III, O99019.
Wilson, Richard A., O99021.
Wilson, Thomas A., II, O99022.
Wilson, William L., O99023.
Wilson, William, O98567.
Winder, Gordon L., O99280.
Wing, Raymond A., O97869.
Winn, Robert E., O98247.
Winters, Robert F., O99024.
Wishart Francis E., O97871.
Wishowski, Thomas M., O99281.
Witt, William W., O99025.
Wolz, Donald J., O99026.
Womack, Charles H., O98344.
Wood, Robert H., O99027.
Wood, Shelton E., OF105881.
Woods, John M., Jr., O99028.
Woods, Luther L., O99029.
Wright, Johnny F., OF105882.
Wright, Walter C., Jr., OF105883.
Wroblewski, Frank M., OF103732.
Wykle, Kenneth R., O98347.
Wyrwas, John A., O99030.
Xenakis, John J., O97872.
Yamashita, Teddy K., O99031.
Yanagihara, Galen H., O99032.
Yando, Arthur N., O99256.
Yearout, Paul H., O99282.
Yoshimura, John P., O98348.
Young, Richard G., Jr., O99034.
Young, Ronald E., O98569.
Young, Timothy R., O99035.
Zelley, Robert A., O99036.
Zeltner, Richard L., O98351.
Zimmerman, James E., O99284.
Zinni, Gabriel J., O98354.

To be first lieutenants, Medical Service Corps

Boe, Gerard P., OF105330.
Carlson, Ronald O. J., O98046.
Covington, William, OF102837.
Dorogi, Louis T., O97497.
Fahey, Thomas E., O97404.
Finkelstein, Eugene, OF105386.
Fleming, Jerry M., O97522.
Fobbs, Benjamin F., O98420.
Gregg, Jerry L., OF105413.
Grosshans, John H., O99169.
Hanson, Larry L., O98130.
Harrell, Henry C., OF104442.
Hawkins, James W., Jr., O97577.
Kingry, Roy L., Jr., O98794.
Ladestro, Ralph, OF105455.
Megehee, Jacob H., O99212.
Meuth, Michael L., O97442.
Miketinac, Bruce T., O97681.
Mitchell, Charles H., O99494.
Modarelli, Robert O., O97755.
Modderman, Melvin E., O97687.
Nason, Jesse N., OF105776.
Nutt, John W., OF105780.
Pierce, Gerald P., O99503.
Provost, John M., O98525.
Schnakenberg, David, 097767.
Simpson, Arthur E., O98541.
Stephenson, Thomas, O98115.
Stocks, Robert B., O98180.
Walker, Jimmy, OF103767.
Warner, Lyle W., OF104573.
Weiser, Philip C., O99227.
Wichelt, Roger H., O99273.
Zalkalns, Gundars, O97875.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Aamodt, Duane A., FR13643.
Abrahajam, Bruce H., Jr., FR22591.
Adams, William P., Jr., FR11810.
Ahalt, Roy M., Jr., FR34343.
Alderson, Sam W., FR34015.
Alexander, Jim V., FR12215.
Alkonis Stanley J., FR51804.
Allen, Robert C., FR14624.
Amick, Roy W., FR34001.
Amundson, Lowell O., FR13561.
Andersen, Leslie E., FR33615.
Anderson, John G. M., FR33497.
Anderson, John J., FR14475.
Andrae, Paul H., II, FR13309.
Aswad, Saleem, FR14042.
Atteberry, Billy N., FR33681.
Aumer, Thurman D., FR13857.
Ayres, Frank L., FR18173.
Baldwin, Oscar F., Jr., FR33326.
Ballinger, Philip R., FR14404.
Bankard, Harry V., FR33859.
Bard, Paul F., FR34184.
Barnett, James W., FR13924.
Barry, Michael A., FR33588.
Bartlett, Edward J., FR34166.
Bass, Robert A., FR20632.
Batsel, Lee H., FR34406.
Baumann, Robert P., Jr., FR18203.
Baumgardner, Haynes M., FR14897.
Baydala, Edward T., FR14091.
Beckett, Thomas A., FR10175.
Beckham, Dwight S., FR34196.
Beckman, Kenneth N., FR14183.
Behn, Milton A., FR09766.
Bell, Walter W., Jr., FR33611.
Bennett, Charles I., Jr., FR16442.
Beno, William G., FR18205.
Berry Erskine G., Jr., FR34344.
Best, William H., Jr., FR14383.
Billings, Donald E., FR33522.
Bird, Joseph M., FR34102.
Blackburn, Thomas W., Jr., FR14415.
Boelter, Herbert O., FR33689.
Bogan, Leon S., FR12224.
Bogard, Lawrence M., FR12550.
Borders, Charles W., FR18149.
Bourus, George J., FR51818.
Bower, James A., FR13691.
Bowlin, Roy L., Jr., FR09806.
Bowman, Gordon Y., FR51845.
Boyd, Henry L., FR23652.
Boyles, Dixon R., FR13874.
Bradford, James W., FR10082.
Bradley, Clyde W., Jr., FR13856.
Bradley, Lewis L., Jr., FR13995.
Brake, William J., FR13707.
Brand, Dudley V., FR33396.
Britting, Wesley E., FR14945.
Brofft, Robert E., FR14332.
Brookie, Donald W., FR33569.
Brown, Frederick I., Jr., FR33540.
Brunner, Arnold C., FR34226.
Bull, Daniel H., FR 34140.
Bullen, Howard R., Jr., FR14454.
Bulli, Dante E., FR 14964.
Burnett, Elvin E., FR 20601.
Burns, Carlton L., FR11841.
Buzard, Frank S., FR33814.
Byrd, Neal A., FR14272.
Cameron, Wallace H., FR12044.
Campbell, Warren E., FR15032.
Carkeet, John L., Jr., FR11950.
Carter, Charles R., FR09748.
Carter, Wilbur D., FR14531.
Casbeer, Roy N., FR14858.
Casey, Robert W., Sr., FR51842.
Cavanaugh, William D., FR12938.
Cecil, Thomas J., FR23654.
Chamberlain, Clarence N., Jr., FR23686.
Chasteen, John R., FR33505.
Chenault, Charles J., FR14665.
Christensen, Douglas H., FR14672.
Christner, Winton, FR34246.
Churchville, Louis J., FR12635.
Clark, James K., FR13673.
Clark, Waymon D., FR12749.
Clark, William T., Jr., FR13611.
Clarke, Donald L., FR12531.
Clarke, John S., Jr., FR14963.
Clarke, Russell C., FR13934.
Claybaugh, K. Wayne, FR14854.
Clemence, Charles J., Jr., FR14017.
Clisham, Winston H., FR22618.
Cloaninger, Francis A., FR34230.
Clowry, John P., FR23687.
Cobeaga, Mitchell A., FR34338.
Cochrane, Robert G., FR14614.
Cole, Heston C., FR10197.
Coleman, Robert G., FR14719.
Collier, Milton, FR13620.
Collins, Glenn R., FR14255.
Combs, John H., Jr., FR13368.
Conti, James F., FR33757.
Copher, Paul D., FR22619.
Cordes, Harry N., FR14659.
Cormany, William F., FR09714.
Cottingham, Paul F., FR51734.
Coursey, Robert J., FR12971.
Covell, Dwight W., FR14333.

Craig, Charles D., Jr., FR33510.
Crawford, William A., FR10005.
Crego, John C., FR14130.
Crosby, Samuel E., Jr., FR20612.
Cross, Richard G., Jr., FR14492.
Crum, Glenn, FR34237.
Culbertson, William W., FR14738.
Culet, Ralph S., FR14430.
Cummins, Daniel G., FR12136.
Cummins, Timothy, FR22594.
Curry, Deane G., FR34378.
Curton, Warren D., FR14337.
Dailey, John G., FR14910.
Daly, Robert P., FR14795.
Davis, Beverly E., Jr., FR14529.
Davis, Lavoi B., FR14136.
Davis, Ruby E., Jr., FR14946.
Decker, Lynne E., FR09720.
Delbeccaro, Vincent J., FR19779.
Deleo, Hector J., FR34030.
Dellamonico, Anthony S., FR33803.
Dessert, Donald M., FR13359.
Dethman, Ivan H., FR14258.
Dick, Wagner W., FR14139
Dixon, Robert J., FR14462.
Doersch, George A., FR09972.
Dorff, Richard W., FR09863.
Dorman, Reynold C., FR49139.
Dowell, Ralph H., Jr., FR13818.
Downey, Russell A., FR14747.
Downie, Currie S., FR14376.
Downs, Richard J., FR34297.
Dufault, William F., FR20680.
Duff, David J., FR33858.
Duff, Robert T., FR14238.
Duffus, John D., FR13563.
Dukes, Ernest F., Jr., FR14801.
Dumontier, Louis D., FR18171.
Dunaway, Kenneth D., FR14478.
Dunn, John H., FR14656.
Dusenberry, Robert K., FR13429.
Dvorak, Edward H., FR34081.
Dwyre, George T., FR34375.
Dyke, Samuel E., FR14319.
Dysart, Blan P., Jr., FR34108.
Earhart, Pat H., FR34360.
Eckles, William H., FR34299.
Elarth, Vernon H., FR11851.
Elliott, William P., FR14043.
Emig, John W., FR34276.
Eubank, Graydon K., FR18132.
Evans, J. L., FR14368.
Evans, Lawrence W., FR33984.
Evans, William R., FR14076.
Eve, Arthur, Jr., FR33746.
Everett, Hal W., FR14323.
Fahrney, Richard L., FR18191.
Falk, David M., FR13841.
Fallon, Edward R., Jr., FR34173.
Farr, John W., FR20660.
Farr, Robert, FR12109.
Faulk, William, Jr., FR33835.
Fetters, Rolland F., FR09916.
Findlay, Clayton, FR14020.
Fisher, Charles D., Jr., FR51740.
Fisher, Gene E., FR33500.
Fitch, Edward B., FR12941.
Fitjar, Raymond A., FR34342.
Fitzgerald, Paul A., FR34364.
Flake, Alma R., FR34206.
Flannigan, Ralph E., FR06869.
Fory, Garland V., FR12612.
Foster, Charles R., FR14637.
Foster, Martin A., Jr., FR33431.
Foulk, Tom B., Jr., FR10183 .
Frakes, James F., FR09821.
Franco, John A., FR33598.
Franklin, George W., FR14699.
Frederick, Paul A., III, FR13062.
Frederick, Russell R., FR12148.
Fritz, Paul C., FR12284.
Fulmer, James H., FR33818.
Galentine, Paul G., Jr., FR14734.
Gallagher, James G., FR14056.
Gallagher, John J., FR13318.
Gallerani, Alterio, FR12746.
Gamble, Jack K., FR14026.
Garden, Francis, FR19904.
Garner, Harold C., FR33885.
Garrison, Vermont, FR33987.
Geary, Paul X., Jr., FR33592.
Gettelfinger, Robert J., FR13066.
Gibney, Richard J., FR34376.
Gibson, Billy P., FR14070.
Gilchrist, William T., FR09890.
Gill, Robert E., FR14263.
Goade, William R., FR14552.
Godbey, Donald E., FR12705.
Goforth, Pat E., FR33649.
Goodlad, Harold G., FR14520.
Goppert, Jean G., FR18167.
Gore, Granville I., FR22721.
Gray, William E., FR33833.
Green, Dexter M., FR33651.
Green, Joseph, FR12921.
Green, Robert V., FR12967.
Greene, Clarence R., FR12745.
Greene, Julius P., FR14609.
Greenspun, Morris J., FR21432.
Greer, Walker B., FR33550.
Gregory, Fountain L., Jr., FR13122.
Grimes, Robert Z., FR14842.
Griswold, Edward D., FR33352.
Groom, John F., FR14218.
Gruber, Donald C., FR33755.
Guinn, Euin N., FR14861.
Gulino, Vasco E., FR09930.
Gutekunst, Charles J., FR14474.
Guy, George A., FR34148.
Hagenback, James J., FR12372.
Hambleton, Bertram L., Jr., FR09865.
Hamill, Jimmy M., FR12243.
Hamill, Robert S., FR34078.
Hamilton, Richard L., FR13042.
Hancock, Quentin L., FR33947.
Hancock, Robert M., Jr., FR13683.
Hanks, Dale J., FR14356.
Hanna, Max E., FR33524.
Hanner, Charles K., Jr., FR13079.
Hansen, Homer K., FR14983.
Harkness, Orlo V., FR12424.
Harris, Bert S., FR09938.
Harris, Daniel B., FR14441.
Harris, George W. E., FR34033.
Harris, Robert W., FR12704.
Harte, Allan S., Jr., FR14459.
Harwell, Albert S., Jr., FR33883.
Hassel, Robert K., FR14164.
Haynie Frank M., FR10221.
Hemingway, Norman B., FR33643.
Henderson, Jack J., FR14532.
Henley, Robert M., FR13033.
Henry, Patrick H., FR14548.
Herberg, John A., FR51784.
Herrera, Alfred C., FR20608.
Hester, Benjamin F., FR12011.
Heyroth, James W., FR14789.
Hill, David M., FR33671.
Hill, Harold I., FR14714.
Hill, Louis D., FR33716.
Himes, David A., FR34112.
Hof, Robert T., FR33986.
Horgan, Michael C., FR34044.
Horn, Willard L., FR13416.
Horrocks, John T., FR33560.
Hudson, Jere H., FR09983.
Huffman, Delbert L., FR12233.
Hughes, Paul A., FR19947.
Hurley, Richard M., FR14498.
Hutchins, Alfred G., FR14682.
Iles, George J., FR14792.
Irons, Stanley W., FR09717.
Iverson, Robert W., FR33869.
Jacobi, George A., FR34009.
Jacobs, John W., FR14774.
James, Daniel, Jr., FR34012.
Jarman, Wallace J., FR34203.
Jarrett, David D., FR13636.
Jenkins, Russell H., FR33495.
Jerman, Charles E., FR12897.
Johnson, Charles G., FR14992.
Johnson, Francis E., FR33595.
Johnson, Gordon M., FR14949.
Johnson, John R., Jr., FR13656.
Johnson Warren D., FR14367.
Jones, Howard A., FR14965.
Jones, Troy H., Jr., FR14049.
Jordan, Hugh F., FR09840.
Joyce, Daniel G., FR25605.
Keating, Philip J., FR09897.
Kells, Walter A., FR22599.
Kekoa, Curtis, FR14730.
Kelley, George J., Jr., FR12519.
Kelso William R., FR12822.
Kennedy, Jerome M., FR13260.
Kennedy, Joseph J., FR33632.
Kenney, William R., FR14428.
Kensler, Thomas C., Jr., FR14909.
Kerr, Robert A., FR12804.
Kidd, John B., FR34076.
Killian, Melvin J., FR33568.
King, Donald B., FR34353.
King, Walter S., FR34374.
Kissell, William G., FR11776.
Knight, Jack, FR20039.
Knowles, Edward, Jr., FR13365.
Koelbl, Henry C., FR33538.
Kouts, Alexander, FR33544.
Kraus, Robert E., FR34281.
Lacagnin, Leonard J., FR14574.
Lacey, William H., FR34255.
Ladd, Robert B., FR11700.
Landry, John F., FR33283.
Lane, Thomas W., FR34084.
Lasalle Harry S., Jr., FR13937.
Lawrence, Norman T., FR14284.
Lee, Maurice E., Jr., FR33345.
Leech, Richard G., FR24312.
Legge, Leonard M., FR14749.
Legrand, George, FR33714.
Leigon, Charles W., FR14006.
Lenihan, John J., FR33700.
Levan, Jay E., FR11839.
Lewis, Henry S., Jr., FR19794.
Linden, Robert M., FR51805.
Linn, Howard A., FR12862.
Livingston, Clyde M., FR11657.
Loman, William T., Jr., FR20669.
Long, Paul H., FR20635.
Lovelady, Albert P., FR33867.
Lowell, Charles L., FR13928.
Lucas, Truman, FR33999.
Lukeman, Robert P., FR14156.
Lutz, George W., FR13388.
Lyon, Moncure N., Jr., FR34191.
Macefield, James FR34233.
Macgregor, Jack M., FR14859.
Mackenzie, Alexander S., FR34188.
Maitland, William W., FR13341.
Malkiewicz, Frank J., FR14978.
Mamalis, Solon, FR12453.
Mann, William L., FR13777.
Manning, Simon W., Jr., FR14286.
Manor, Leroy J., FR14307.
Marcum, Everette L., FR14137.
Marcum, Robert S., FR12212.
Markel, Carrol B., FR14602.
Marr, James A., FR33686.
Marsden, Roy F., FR11921.
Marshall, Benjamin C., FR12129.
Martin, Edward O., FR14366.
Martin, Jack T., FR13634.
Masden, Gilbert A., FR11991.
Mask, Kenneth J., FR12690.
Mason, John J., FR13482.
Matlick, Benjamin M., Jr., FR14607.
Matte, Joseph Z., FR20615.
Mayo, Francis L., FR34329.
McCarty, Harold H., FR14239.
McCorkle, George W., FR34043.
McCormack, Lemuel H., Jr., FR09978.
McCormack, Robert, FR14618.
McCuskey, Michael A., FR33428.
McFadden, Kenneth L., FR20746.
McKendrick, Howard R., FR14676.
McLaughlin, William A., FR14515.
McLeod, Billy A., FR33520.
McMahon, James J., Jr., FR12805.
McManaman, Charles J., FR34384.
McMunigle, Francis M., FR34144.
Meacham, Chauncey W., FR13986.
Meador, Thomas R., Jr., FR33890.
Meek, Frank E., Jr., FR12334.
Merrill, Edward G., FR14303.
Mertely, Frank, FR18201.
Metheney, Frank W., FR14374.
Miller, Burdsall D., FR09745.
Miller, Cecil D., FR34394.
Miller, Clarence M., Jr., FR14088.
Miller, Luther J., FR34016.

Mills, Arthur J., FR18180.
Mills, Clarence H., FR22650.
Mills, Robert J., FR12661.
Mish, Charles C., FR13828.
Misner, Richard F., FR12445.
Mitchell, John W., FR14159.
Mitchell, Maurice S., FR14171.
Moats, Sanford K., FR14948.
Moench, John O., FR14318.
Morey, John B., FR59989.
Morgan, Thomas W., FR13964.
Moseley, Walter S., FR34117.
Mozley, Claude D., Jr., FR14028.
Mullen, John T., FR13925.
Muller, Frank J., FR33809.
Murphy, John E., FR14169.
Myers, Bill E., FR14038.
Navarro, Michael, FR14499.
Nesley, William L., FR14378.
Newbern, Robert G., FR33280.
Newell, Jamieson H. B., FR13501.
Newquist, Weldon D., FR34067.
Neyland, Lewis J., FR14387.
Niersbach, Norman G., FR12760.
Nolan, Robert A., FR34193.
Norwood, Howard L., Jr., FR33898.
Noyes, Arnold V., FR12472.
Nurnberg, Malcolm L., FR14046.
Ocarroll, Thomas K., FR11898.
Ogburn, Henly M., Jr., FR33605.
Ogozaly, Leo E., FR13999.
Oldfield, Charles S., FR13901.
Olsson, Ward T., FR34006.
Ong, Dong, FR14556.
Oreagan, John P., FR09912.
Orsi, Victor, FR48722.
Orton, George W., FR14675.
Ottaway, Harold E., FR13065.
Ousley, Carl A., FR33997.
Overbey, George D., FR10230.
Page, Jack C., FR13032.
Palmos, Peter G., FR14919.
Pamperien, Roka D., FR13752.
Park, Paul L., FR13662.
Patterson, Alfred K., FR14311.
Patterson, Edward H., FR13845.
Penrod, James B., FR12389.
Perron, Gregory H., FR09970.
Perry, Marshall F., FR33647.
Pesacreta, Samuel, FR14281.
Petrul, Paul J., FR14207.
Pettit, Roy F., FR13382.
Phifer, James H., Jr., FR14453.
Pierson, Robert E., FR14826.
Pitts, Morris B., FR25502.
Ports, Robert A., FR13277.
Post, George M., FR12321.
Potter, Waldo F., FR10165.
Prahler, Robert H., FR13806.
Preller, Gordon C., FR18144.
Price, James L., FR34018.
Pritchard, James B., FR13836.
Prochoroff, George, FR12984.
Purdy, Douglas C., FR13322.
Purkey, Gerald L., FR33392.
Qualls, Melvin E., FR34098.
Raeke, Louis A., Jr., FR12033.
Raisor, Clifford E., FR14015.
Ramer, Richard L., FR14436.
Rawls, Don M., FR13487.
Ray, Arthur G., Jr., FR51773.
Reap, Cyril J., FR33690.
Reed, Howard E., FR33369.
Reeder, William D., FR18161.
Reilley, Orville K., FR51843.
Reiss, Leonard, FR21439.
Richard, Anthony H., Jr., FR10202.
Richard, William W., Jr., FR14162.
Richardson, Howard, FR14345.
Richmond, Joe F., FR14057.
Riordan, Daniel W., FR24327.
Risher, Edward H., FR34293.
Ristau, Siegfried E., FR18169.
Robertson, Everett E., Jr., FR11987.
Robinson, Richard S., FR33309.
Rodriguez, Edward F., FR12881.
Romo, Peter E., FR13157.
Rood, Eric W., FR22620.
Ross, Amos H., Jr., FR10023.
Sanders, Wendell W., FR12121.
Santala, Eugene W., FR11940.
Sapp, Roger E., FR11789.
Savage, Robert B., FR13156.
Schatzley, Byron L., FR33708.
Schmerbeck, David J., FR14781.
Schmidt, George R., FR18202.
Schmidt, Robert C., FR12962.
Schreiber, Joseph, FR14988.
Schueler, Eldor H., FR12384.
Schuering, Alvin G., FR18166.
Scott, Charles E., Jr., FR13831.
Scott, Richard E. J., FR14002.
Scurlock, Frank L., FR14748.
Scurzi, Joseph R., FR13547.
Shannon, James A., FR14510.
Sheehan, Frank A., FR51812.
Shook, Abraham E., FR14821.
Shotts, Bryan M., FR14680.
Simmons, Malcolm C., FR13013.
Simokaitis, Frank J., FR15013.
Simpson, Robert F., Jr., FR14068.
Simpson, Thomas L., FR14423.
Sims, Thomas J., FR34205.
Sitler, Fred H., FR13124.
Sloan, Howard M., FR14745.
Smallfield, George B., FR14959.
Smith, Clark S., FR33509.
Smith, Donavon F., FR14577.
Smith, Edgar H., FR23684.
Smith, James C., FR51786.
Smith, Larkin B., Jr., FR33317.
Smith, Orrin R., Jr., FR15038.
Smith, Paul K., FR51806.
Smith, Ralph L., FR13285.
Smith, Robert E., FR13507.
Smith, Robert W., FR13454.
Smolen, Michael, FR34368.
Snyder, Wallace S., FR33720.
Sokay, Leslie W., FR14362.
Speed, Worth M., FR34116.
Spiva, Thurman, FR13527.
Sprinkel, Milton D., FR13304.
Stackhouse, Carl B., FR33420.
Stearns, Seymour, FR51808.
Steele, Ralph J., FR14388.
Steelnack Einar H., Jr., FR33994.
Steiger, George J., FR33929.
Steinkraus, Lawrence W., FR14847.
Sterr, Roger, J., FR33769.
Stooksberry, Sam D., FR14370.
Story, Harvey L., FR14772.
Stringfellow, Glassell S., FR34145.
Strong, Roy L., FR14364.
Struby, Joseph R., FR14707.
Stubblefield, Lee E., FR51853.
Stuyvesant, Ernest D., FR13586.
Surowiec, Eugene L., FR34200.
Swayze, Jack, FR12546.
Tapscott, Wilbur A., FR10076.
Tarwater, Benjamin W., FR14264.
Tate, Clark A., FR34169.
Teller, J. Craig, FR10184.
Terrell, James H., Jr., FR13134.
Thomas, Harold P. G. H., FR33547.
Thompson, William M., FR09841.
Tillman, Herma G., Jr., FR09990.
Tillotson, Bascom E., Jr., FR33466.
Tremblay, Armand L., FR22624.
Trudeau, Carvil A., FR33973.
Trueblood, Roger W., FR14848.
Unger, Edward C., FR14491.
Valentine, Dwane R., FR12694.
Vantrease, Hubert C., FR13422.
Vella, Vito T., FR14841.
Vowinkel, Merlin J., FR14778.
Wack, Joseph H., FR34337.
Waggener, Herman A., Jr., FR14047.
Walker, Barton F., Jr., FR14249.
Walker, Harold E., FR14432.
Walker, John D., FR14005.
Walsh, Edward J., Jr., FR13712.
Watson, Paul C., FR14603.
Wayland, Robert H., Jr., FR33308.
Weaver, William H., Jr., FR14813.
Webb, Bert H., Jr., FR12132.
Weber, Charles G., FR33854.
Weidenbusch, Albert C., FR34357.
Weigle, Vincent J., FR12793.
Weigner, Leonard N., FR33706.
Welch, Robert G., FR33620.
Wells, John H., Jr., FR33756.
Wernette, Eugene C., FR34146.
Westerman, Raymond S., FR14617.
Weyant, Jack A., FR13424.
White, Victor M., FR14594.
Whittington, Richard L., FR12193.
Wier, Charlie Y., FR21785.
Wilborn, William T., FR18194.
Wilkerson, Joe T., FR33386.
Wille, Herman B., FR34314.
Wille, Thomas, FR51849.
Williams, Cyril E., FR13363.
Williams, Hubert L., FR14446.
Wilson, George M., FR21777.
Wilson, James B., FR33613.
Wilson, James R., FR34160.
Wilson, Lee V., FR34105.
Wine, Paul H., FR14055.
Wise, John W., FR14340.
Wolfe, Charles S., FR18176.
Wood, Edwin A., FR14117.
Wood, Theodore S., FR33349.
Woody, Rufus, Jr., FR23655.
Woodyard, Jean K., Jr., FR13676.
Yraceburn, Joe R., FR11805.
Zimmermann, Hugo, FR14728.
Zubon, Michael, FR10134.
Zukerberg, Harry, FR13869.

CHAPLAINS

Engell, Arthur T., FR70980.
Hanlon, Thomas C., FR48574.
Jameson, Ashley D., FR48588.
Shoemaker, Harold D., FR27660.
Trent, B. C., FR26649.
Unger, Orvil T., FR55107.
Woodruff, James R., FR27659.

DENTAL CORPS

Feldmann, Earl E., FR20008.
Grant, Ambrose G., FR24675.
Hughes, Wilbur R., Jr., FR25693.
Louis, John D., FR20058.
Oleary, Timothy J., FR18966.
Poor, Willard H., FR21728.
Sprague, William G., FR25667.
Stumpf, Arthur J., Jr., FR23058.
Tarsitano, John J., FR27495.
Zellhoefer, Robert W., FR27598.

MEDICAL CORPS

Archdeacon, John R., FR23068.
Culver, Warren T., FR19346.
Douglas, William K., FR19967.
Flaherty, Bernard E., FR22399.
Hennessen, John A., Jr., FR20013.
Hessberg, Rufus R., Jr., FR24647.
Kurth, Robert J., FR22401.
Marshall, Charles B., Jr., FR19962.
Myers, Paul W., FR21761.
Preston, Rhea S., FR19770.
Robison, Jack R., FR22550.
Ryan, Arthur E., FR29614.
Thomas, Herrick M., FR19566.
Wright, Walter D., FR23063.

NURSE CORPS

Gersema, Vivian M., FR21082.

MEDICAL SERVICE CORPS

Cooper, Nathan, FR19521.
Ehardt, Frederick, FR48906.
Goings, Charles E., Jr., FR19522.
Hodge, Joseph E., FR24235.
Keller, Paul C., FR48930.
Manrow, William E., FR19504.
Marolf, Kenneth L., FR21613.
McDermaid, Richard, FR19575.
Pomphrey, Patrick J., FR19485.
Woolf, Henry M., FR21615.

VETERINARY CORPS

Couch, J. B., FR21601.
Dalziel, George T., FR21605.
Werntz, Omar G., FR51117.

BIOMEDICAL SCIENCES CORPS

Allen, Wallace B., FR15390.

Second lieutenant to first lieutenant

LINE OF THE AIR FORCE

Adair, Samuel Y., Jr., FR75473.
Adamson, Russell E., Jr., FR79260.

Ahearn, Terrence J., FR75474.
Akers, James C., FR75585.
Akin, Robert L., FR77998.
Albright, Edwin R., Jr., FR79994.
Albritton, Edward C., FR78158.
Allen, George W., FR79263.
Allen, Thomas R., FR75586.
Allen William H., Jr., FR77999.
Allis, Richard A., FR78193.
Almeda, Charles E., FR79218.
Alverson, Richard V., FR78252.
Anderson, Dale D., FR79267.
Anderson, Harry K., Jr., FR79996.
Anderson, James M., FR3137473.
Anderson, Paul V., FR3135414.
Anderson, Terry D., FR75587.
Anderson, William A., FR78214.
Anger, Terry G., FR78159.
Arganbright, Michael J., FR75476.
Armbruster, Louis F., FR75588.
Arthurs, Dale D., FR78468.
Arvik, Jon H., FR80144.
Ashbaker, Phillip N., FR75800.
Ashe, Thurman O., FR75589.
Aston, Gary M., FR3135490.
Atack, Rodney M., FR79831.
Atkins, Jerome A., FR79269.
Aultman, Fred C., FR79998.
Ayer, Frederick L., FR78393.
Baas, Melvin T., FR3139139.
Bacon, Michael J., FR79648.
Baergen, Edward, FR80000.
Bailey, Carl D., FR79833.
Bainton, Ronald W., FR3135515.
Baird, James, FR77940.
Bakenhus, Frederick A., FR79649.
Baker, Dalton W., FR79271.
Baker, Kenneth E., FR75592.
Baker, Larry K., FR78228.
Ballard, Malcolm J., Jr., FR77941.
Ballee, William J., FR75802.
Bandy, Finis W., FR79650.
Barineau, James E., FR75478.
Barnes, Gary L., FR75593.
Barnhart, Joe W., Jr., FR75594.
Barrere, Howard A., FR75595.
Bart, Seigfried G., Jr., FR78469.
Barthelemy, Robert R., FR75804.
Bassin, Stanley L., FR79835.
Bastien, Peter M., FR79652.
Bates, Larrie C., FR75596.
Baughman, John S., FR75480.
Bayer Robert E., FR77942.
Beasley, Dennis C., FR77943.
Beaton, David A., FR79837.
Becnel, Marion O., FR3130631.
Beighle, William P., II., FR79654.
Bellingham, Davi E., FR80002.
Benjamin, Warren E., FR79114.
Bennett, Charles M., IV., FR79655.
Bennett, Gary W., FR75805.
Bennett, Lewis D., FR79656.
Benson, Verne H., FR78160.
Benton, Ronald L., FR3139140.
Berls, Robert E., Jr., FR80003.
Bernhard, John S., FR75483.
Bernhart, Michael H., FR78215.
Bernier, Johnnie O., FR75806.
Bernstein, Ivan H., FR79839.
Bernstein, Peter D., FR3131802.
Berringer, William G., FR75601.
Best, James R., FR75602.
Bethea, Jackie C., FR79658.
Bickford, John D., FR37889.
Biltz, James E., FR76338.
Birch, George E., FR78161.
Birdsong, Marcus D., FR79277.
Biscardi, James Jr., FR79278.
Bischoff, John W., FR78194.
Black, Thomas A., FR79279.
Blackmon, Jerry M., FR78253.
Blackwood, Jimmie, FR3136387.
Blake, Ronald W., FR79280.
Blankenship, Kenneth L., FR75484.
Blansett, Bennie B., Jr., FR75604.
Blount, Jack R., Jr., FR3137857.
Blume, Frederic K., FR75605.
Bocklage, Joseph T., FR76140.
Bohutinsky, Andrew, FR75807.
Bolinger, Roy E. J., FR79840.
Bonalewicz, Richard, FR80004.
Bonse, Gilbert, FR79968.
Boomstra, Ronald J., FR79284.
Borchert, Frederick C., FR78195.
Borner, Frank D., FR78352.
Boubelik, David K., FR79841.
Boucher, Paul A., FR78000.
Bousek, Ronald R., FR75808.
Bowen, Robert E., FR79252.
Bowers, Joseph H., FR75606.
Boyd, James A., Jr., FR79842.
Boyner, Daniel D., Jr., FR75607.
Brandberry, Brian L., FR78162.
Bramlett, Harry R., FR79289.
Brandt, Paul A., III, FR78163.
Branscome, James A., FR80005.
Branscum, Harold W., FR77944.
Brennan, William J., Jr., FR79290.
Brever, William A., FR80006.
Bricker, Lee E., FR80007.
Brinson, Edwin L., FR78394.
Britt, Paul S., FR79661.
Brock, Harvey T., Jr., FR79662.
Bronnenberg, Gerald E., FR3137945.
Brooks, Joseph P., Sr., FR79291.
Brosveen, Douglas A., FR30996.
Brown, Charles R., Jr., FR75485.
Brown, Gerald R., FR80008.
Brown, Richard D., FR75809.
Brown, Richard M., FR79663.
Brown, Wesley, FR75608.
Browne, Cletus C., FR78002.
Broyles, James K., FR3137886.
Brune, Peter L., FR79294.
Bryan, Robert L., FR79296.
Buck, Erhard, FR79297.
Bucknell, Edward K., FR79664.
Bullock, William F., Jr., FR80009.
Bundrick, Myrl W., FR79665.
Bunting, Richard E., FR75487.
Burckel, William P., FR78003.
Burdash, Charles S., FR79298.
Burdick, David R., FR77945.
Burford, Edward G., FR80788.
Burgess, Jackie D., FR79667.
Burhans, William A., FR77946.
Burk, William J., FR78004.
Burke, Bruce L., FR75609.
Burnette, William H., FR79669.
Bush, Richard L., FR78005.
Bush, Ronald J., FR78216.
Butler, Robert B., FR75488.
Byford, Forrest E., FR79670.
Calabrese, John R., Jr., FR78459.
Callan, Walter M., FR79302.
Callaway, Jay C., Jr., FR3133178.
Campbell, William S., FR79305.
Cardell, Williams W., FR79307.
Carlson, Gary W., FR75810.
Carroll, Roger A., FR80013.
Carson, Gerald G., FR79635.
Carson, Peter A., FR75611.
Carter, Edward G., FR75612.
Cartwright, Jack E., FR79310.
Carzoli, Albert F., FR3137726.
Cascales, Charles W., Jr., FR79311.
Casey, Bobby L., FR3137904.
Cason, Thomas O., FR79168.
Casteel, Dwight O., FR3132037.
Cates, Robert T., FR79640.
Caulfield, Donna L., FR79312.
Cayler, Russell L., FR75613.
Cecchett, Gary M., FR79844.
Chada, William L., FR 75614.
Chambers, Linton T., FR80158.
Chandler, James W., Jr., FR75489.
Chang, George C. W., FR80014.
Charity, Louis H., Jr., FR79313.
Chartrain, Richard A., FR75811.
Chase, Edward L., FR3131859.
Cheshire, Jimmie D., FR80792.
Chew, Richard A., FR79315.
Chmielewski, Michael R., FR78217.
Choplin, John R., FR79674.
Christ, Francis E., Jr., FR3131047.
Christiansen, James W., FR80015.
Clapper, James R., Jr., FR75491.
Clark, David J., FR3138033.
Clark, Melvin E., FR79317.
Clarke, Charles E., FR77947.
Clayton, James W., Jr., FR79676.
Coakley, Roger L., FR3131178.
Cochrane, Norman J., FR75616.
Coco, Eugene G., Jr., FR75812.
Coesfeld, Paul E., FR75617.
Coffas, James, FR78353.
Coffey, James A., FR77948.
Cohn, Marcus T., FR77949.
Colapietro, Robert L., FR78395.
Cole, David B., FR75616.
Cole, George M., FR79678.
Collins, Edward M., Jr., FR75619.
Componovo, William, FR79847.
Conant, Richard C., FR3137733.
Conaway, Douglas F., FR3132500.
Conder, Lowell R., FR3132534.
Conerly, Lanny P., FR75813.
Conley, John L., FR75814.
Conrardy, Dale E., FR79848.
Consolvo, Charles W., Jr., FR80017.
Coogler, Munro A., Jr., FR78164.
Cook, John W., FR79321.
Cook, Thomas E., FR80018.
Cook, William A., FR78006.
Coons, David J., FR77950.
Cooper, Hugh S., FR80019.
Cooper, James K., FR79322.
Cooper, Robert N., FR78196.
Corbett, Philip W., FR75620.
Corn, John H., FR79849.
Couch, Robert M., FR80020.
Counts, Lawrence J., FR3129974.
Cox, David L., Jr., FR79680.
Cox, James D., FR78008.
Cox, Raymond C., FR75815.
Cox, Stephen E., FR78165.
Crabb, James H., FR78354.
Cramer, Randolph S., FR78375.
Crane, Kerry J., FR76493.
Crawford, Thomas P., FR75816.
Cress, Gary R., FR79323.
Crews, Ronald K., FR79681.
Croft, Robert L., FR78460.
Crosby, Chester G., FR3137738.
Crow, Wesley B., FR78396.
Culley, Robert B., FR79325.
Culp, Eugene R., FR77951.
Cunningham, Charles E., Jr., FR79851.
Daggett, Jesse B., II, FR77952.
Dahler, Alfred, FR79684.
Daley, Philip, FR79327.
Damron, Gerhard S., FR79328.
Dang, Norman K., FR79685.
Daniel, Jimmy L., FR3130105.
Dark, John J., FR80022.
Davee, Steven C., FR75493.
Davi, Emanuel F., FR75621.
Davis Arnold E., Jr., FR79329.
Davis, Dale L., FR75817.
Davis, Donny R., FR79253.
Davis, Edward A., FR79854.
Davis, Jefferson J., FR79686.
Davis, John S., FR79125.
Davis, Loyd E., FR79334.
Davis, Thomas D., FR75622.
Davis, William H., FR77953.
Daye, Charles R., FR79855.
Debolt, Richard A., FR77954.
Dederick, Arthur, III, FR75628.
Dee, William, FR69960.
Deere, Monte M., FR77955.
Dehart, Thomas Z., Jr., FR79330.
Dehner, Frederick T., FR75494.
Delaurentis, Robert H., FR79332.
Demuth, Ronald N., FR78355.
Denman, Daniel F., IV, FR79687.
Dent, Roy V., FR3132740.
Derochi, Steven F., FR79333.
Desch, Larry L., FR3119741.
Deschenes, Frederick D., FR79688.
Dice, Eugene E., FR78009.
Dierker, Ronald J., FR78010.
Dietrich, Joseph G., FR3130125.
Dietz, Daniel R., FR69965.
Digiacomo, Frederic V., FR79335.
Dilley, Dana A., FR3131807.
Dimauro, Anthony J., FR79336.
Ditch, Larry W., FR77300.
Ditterline, Raymond L., FR75623.
Doll, Bruce A., FR79691.

Dollahite, David R., FR75624.
Dombrowski, Robert F., FR79337.
Doorley, William A., Jr., FR3130133.
Doran, Thomas E., FR3130134.
Doran, William D., FR3146235.
Douglass, John W., FR78470.
Dove, Jack P., FR79692.
Dowden, Robert D., FR80027.
Downs, Lewis T., FR79341.
Druffel, Lawrence E., FR79343.
Dryden, Ronald L., FR80028.
Duarte, Frederick, FR78218.
Dubay, Donald H., FR79345.
Dubose, David R., FR79346.
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Dudac, Thomas W., Jr., FR78011.
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Snowden, Thomas M., Jr., FR75723.
Souder, Hugh S., FR79548.
Spangler, Robert L., FR79938.
Spencer, Henry O., FR79550.
Spencer, John B., FR79796.
Spencer, Warren R., FR79797.
Spita, Walter G., FR79551.
Spitale, Guy C., FR79552.
Squarzini, Ernest P., FR75870.
Staggs, Richard W., FR79939.
Standifer, William C., III, FR75871.
Stark, Richard A., FR79553.
Stairnes, Robert P., FR79554.
Steele, James R., FR79555.
Stells, William T., Jr., FR80114.
Steiner, Raymond A., Jr., FR3131161.
Stephens, Loyd M., FR75724.
Stevens, Richard S., FR79558.
Stevenson, Garland E., FR77987.
Stewart, Michael R., FR78059.
Stinson, Allan J., FR75872.
Stinson, Edgar S., FR77988.
Stokes, Dan M., FR78258.
Stone, Duane S., FR79560.
Stone, Melvin L., Jr., FR3138729.
Stone, Tommy F., FR76556.
Stoner, David M., FR79561.
Storm, John H., FR75873.
Street, George M., Jr., FR80116.
Strehlow, Virgil G., FR77989.
Stromfors, Richard D., FR75534.
Strottner, Phillip L., FR3139091.
Stuart, James F., III, FR79940.
Stucka, Daniel A., FR80117.
Studebaker, Ira J., FR79941.
Sturdevant, William L., III, FR79975.
Sullivan, Thomas J., FR78259.
Supik, Donald F., FR79977.
Sutton, Dain F., FR75874.
Svoboda, Adrian L., FR77990.
Sweeney, John W., Jr., FR79943.
Sweet, John H., FR81450.
Swenk, Harold E., FR79562.
Swinney, James C., FR3137377.
Syptak, Michael R., FR75725.
Tarnowski, Joseph J., Jr., FR75875.
Tarpley, Joseph G., II, FR76351.
Tash, Neal E., FR78206.
Tatman, David I., FR78207.
Tatum, Daniel F., Jr., FR79565.
Taylor, Benny D., FR3138554.
Taylor, Donald M., FR75726.
Taylor, Edward W., FR75727.
Taylor, Henry L., III, FR77991.
Teas, George H., II, FR79803.
Tebo, Noel A., FR79804.
Terino, John G., FR75876.
Terry, James L., FR79567.
Tessier, Richard J., FR79568.
Thayer, Ralph E., FR79569.
Theorell, John R., FR75729.
Theriot, Ernest R., III, FR75877.
Thomas, Jimmy R., FR3137388.
Thomas, Joseph M., FR3119542.
Thompson, Harold E., Jr., FR79806.
Thompson, Robert S., FR79807.
Thompson, Theodore C., FR79808.
Thornberry, Robert E., FR79570.
Thrasher, Gary K., FR79809.
Tobie, Neil M., FR75878.
Tomain, Robert F., FR79572.
Truesdell, John C., FR75880.
Truitt, Rolland D., FR79946.
Trusty, Monty J., FR78175.
Trusz, Raymond E., FR3129998.
Trytten, Chris T., FR79575.
Tucker, David G., FR80121.
Tucker, James H., FR78208.
Tucker, Paul K., FR79945.
Tufts, Robert J., FR75881.
Tures, Gifford G., Jr., FR80122.
Ulmer, Charles H., FR3137831.
Vandermey, James E., FR79577.
Vanderpoel, Halsted S., FR3137415.
Vandeventer, John W., FR79810.
Vawter, Ronald B., FR79811.
Veasey, Columbus, Jr., FR79580.
Veazey, Douglas D., FR79812.
Vervisch, Charles D., FR80124.
Veth, John J., FR75882.
Vetter, Gary L., FR79581.
Vice, Gary E., FR3132723.
Victorino, Leonard L., FR79582.
Vion, Jerry E., FR75536.
Vitelli, John L., FR75730.
Vogelsang, Douglas C., FR79950.
Vranesh, George E., FR75731.
Vrooman, Robert S., FR79583.
Wagy, Lawrence E., FR75732.
Walbridge, Raymond D., FR79584.
Walker, Harold C., FR78176.
Walker, Thomas G., FR75883.
Wallace, James A., Jr., FR75733.
Walters, Joe K., FR75735.
Warren, Max E., FR77992.
Wasson, Robert L., FR3139138.
Waterman, Charles R., FR78568.
Watne, Conrad A., FR79952.
Wattawa, Verne V., FR75884.
Weaver, Lonnie E., FR79588.
Weaver, Parke R., Jr., FR3138930.
Weaver, Richard T., FR80126.
Webb, Edward P., FR79589.
Weber, Floyd, FR79816.
Weber, John G., FR75885.
Weber, Lester J., FR79590.
Webster, Joseph B., III, FR78060.
Webster, Thomas R., FR79591.
Weeks, Edson S., FR3137434.
Weigand, Louis G., III, FR78369.
Weiss, John J., FR79817.
Weitz, Charles F., FR75886.
Welch, William E., FR3137682.
Welday, Richard B., FR79592.
Wells, Donald A., FR79593.
Wells, Kenneth L., FR77311.
Wells, Walter C., FR75887.
Wessel, James R., FR78209.
Westwood, Charles E., FR79594.
Wetzel, Raymond A., FR79953.
Weyler, Kenneth L., FR78062.
Wheeler, William A., II, FR79595.
Whitaker, Alvin E., FR79596.
White, Jack A., FR79820.
White, James S., FR78467.
Whitehead, Ellis H., FR75736.
Whiteley, Patrick M., FR79821.
Whitley, Jerry F., FR75538.
Whitney, John C., FR75539.
Whitten, John L., FR79598.
Whittier, Charles E., FR78225.
Wickham, Frederic O., Jr., FR78226.
Wielatz, Robert J., FR3137844.
Wilder, Philip D., FR79599.
Wilkins, Kermit D., FR78177.
Willems, Gary B., FR78178.
Williams, John W. O., FR79600.
Williamson, Fred H., Jr., FR75737.
Wilson, Edvin W., FR79601.
Wilson, Jack G., FR79085.
Wilson, John H., FR78403.
Wilson, Larry J., FR75888.
Wilson, Robert E., FR79179.
Wilson, William E., FR3131752.
Wimberly, Charles H., FR3133165.

Wingo, Jon L., FR75738.
Winkelmann, Marvin B., FR79602.
Winner, Robert J., FR79824.
Wiseman, James E., III, FR75739.
Withuhn, William L., FR76524.
Witkowski, Dennis N., FR79605.
Wolf, Gary K., FR78404.
Wood, John D., FR79825.
Woodall, Ronald L., FR75541.
Woodson, Murphy A., FR77994.
Wright, Alfred A., FR78061.
Wright, Bobby R., FR79607.
Wright, David K., FR78227.
Wright, Franklin E., FR78370.
Wright, John D., FR78063.
Wyman, Devon E., FR79608.
Young, Jimmie D., FR77993.
Young, Robert A., FR77995.
Younger, Jey E., III, FR78064.
Zach, Larry D., FR75890.
Zadra, Jon A., FR75542.
Zavislak, Raymond W., FR79611.
Ziegler, Norton N., FR79957.
Zimmer, James L., FR79958.
Zimmer, Peter B., FR77996.
Zone, Thomas J., FR79613.
Zwerg, Ralph F., FR79829.
Zwolinski, Ronald J., FR79614.

MEDICAL SERVICE CORPS

Frazier, Charles L., FR76143.
Gallagher, Thomas M., FR80038.
Johnson, Robert B., FR75665.
Norris, Victor G., FR75696.
Roundtree, Lester J., FR77309.
Terry, Charles R., FR75728.

BIOMEDICAL SCIENCES CORPS

Armour, James T., FR75477.
Baety, Walter G., III, FR79832.
England, Douglas M., FR79700.
Gaudot, Frank J., FR79868.
Hastings, Humphrey K., Jr., FR79713.

EXTENSIONS OF REMARKS

Treatment of Prisoners in Vietnam

EXTENSION OF REMARKS
OF
HON. BENJAMIN S. ROSENTHAL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. ROSENTHAL. Mr. Speaker, I have noted with interest and relief Ho Chi Minh's recent statement concerning the treatment of American prisoners of war. He has reprieved our captured airmen for the present, but his pronouncement does not in any way guarantee their futures.

I have, therefore, introduced today a resolution indicating that the sense of the Congress and the American people is firm on insisting that humane treatment be accorded our captured soldiers now and in the future. As signatories to the Geneva Convention of 1949, the Government of North Vietnam should abide by the provisions in the agreement concerning prisoners of war. Any violation of accepted codes of international behavior in this regard would be inhumane, and would tend to estrange North Vietnam from the family of nations. Further, improper treatment of American prisoners of war justifiably arouses the anger of the American people thus damaging the prospects of ending hostilities.

Unfortunately, the issue of proper consideration of prisoners of war is not as clear as we might desire. In the Washington Post of August 1, Joseph Kraft astutely comments on the difficult position of the United States vis-a-vis captured North Vietnamese troops. Currently the United States turns over to the South Vietnamese all North Vietnamese prisoners taken by American forces. Our South Vietnamese allies have themselves often been accused of inhumane treatment of such prisoners.

When the American commitment in Vietnam was limited to an advisory one, we were not in a position to deal with prisoners of war. However, having assumed a principal military role in the struggle, we should now also accept responsibility for all prisoners whom we capture. When we accept this responsibility, we would, of course, comply with the letter and the spirit of the Geneva accord.

As a step in this direction, the International Red Cross should be permitted to inspect all existing detention facilities in the south and to otherwise carry out their obligations to prisoners. Their reports should be made public and submitted to the International Control Commission. In return for such consideration of North Vietnamese prisoners, it is hoped that North Vietnam will take equivalent humanitarian steps for their prisoners.

It is my hope that my colleagues in this Congress will support the President in his endeavors to explore all possible channels leading to the humane treatment of prisoners on both sides. Justice and humane consideration for these individuals is an essential part of our efforts to establish groundwork for negotiations in an atmosphere of trust and mutual respect.

New York Hilo Demonstration Ride, a Success

EXTENSION OF REMARKS
OF
HON. ROBERT L. LEGGETT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. LEGGETT. Mr. Speaker, Monday morning, August 1, 1966, I was delighted to be aboard New York Hilo Flight No. 3 of the demonstration flight connecting downtown Washington with Dulles and Friendship International Airports.

We were airborne at 11:15 a.m., and in exactly 11 minutes, we arrived at Friendship Airport. After a few moments for refueling and servicing of the twin jet motor helicopter we were airborne again. The seats were quite comfortable as we relaxed and had refreshments served by the stewardess. In approximately 20 minutes, traveling at 130 miles per hour, we arrived at Dulles International Airport. We landed and took off immediately and exactly 11 minutes later, we landed on the vacant lot adjacent to and immediately east of the Cannon House Office Building. The entire flight took 1 hour.

I think this will be an excellent service for Washington and hope it is initiated at the earliest possible date.

Forty-seven Voices for Sanity

EXTENSION OF REMARKS
OF
HON. DON EDWARDS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. EDWARDS of California. Mr. Speaker, on July 29, I, along with many of my colleagues, issued a release opposing recent statements by Premier Ky which suggested invasion of North Vietnam and an eventual war with China. Our views, as set forth in the release, were the subject of many newspaper editorials across the country. Among these was the New York Post whose editorial is entitled "47 Voices for Sanity."

At this point, Mr. Speaker, I insert in the RECORD, our release and the New York Post editorial.

[From the New York Post, Aug. 1, 1966]

FORTY-SEVEN VOICES FOR SANITY

In calling on the Johnson Administration to repudiate openly the mindless "spirit of escalation" being preached by Premier Ky of South Viet Nam, 47 Congressmen have displayed both sanity and independence.

The weekend appeal of the 44 House Democrats and three Republicans, who also urged "new initiatives" by the U.S. for peace talks and support for Viet Nam elections "open to all parties," would have been dramatic in any case.

It took special courage for many of the signers to embrace the statement because the "spirit of escalation" is not simply the rash raving of Ky. It seems to have become the main force animating Washington's Viet Nam policy.

The latest evidence is grim enough. Last week, reaffirming his willingness to fight to the last American, Ky proposed an immediate military showdown with Red China and armed invasion of North Viet Nam.

As this wild hip shot echoed round the world, the White House and the State Dept. mildly reminded everyone once again that the U.S. wants no "wider war." Washington then proceeded to widen the war, first with a record-size air raid on North Viet Nam

and then, over the weekend, with the first bombings of the demilitarized buffer zone between North and South.

On the same day that the anxious Congressmen declared that "the danger that the war will spread is increasing daily," UN Secretary General Thant left Moscow warning that the war "will develop into a major war if the present trend continues."

These warnings will be lost on Premier Ky. We only hope they will not be lost on the Administration. There is no reason to suppose that Washington is about to mount an invasion of the North—at the moment. There is no reason to think Washington proposes to follow Ky's advice about the Chinese and "face them right now."

But as long as the U.S. is transfixed by the "spirit of escalation," Ky's insane proposals will grow more and more plausible in Washington and the United States will sleepwalk on toward the brink.

We derive no real relief from Ky's latest disclaimer of ultimate personal ambitions for Viet Nam's presidency. That is hardly the immediate matter on the agenda, as he knew when modesty overcame him.

[Press release, July 29, 1966]

STATEMENT ON VIETNAM

The Members of the House of Representatives listed below joined in the following statement today:

"Recent statements by Premier Ky suggesting an invasion of North Vietnam, and eventual war with China, indicate he and other South Vietnamese generals have ambitions that extend far beyond and contradict the limited aims stated by President Johnson in seeking self-determination for the Vietnamese people. The danger that the war will spread is increasing daily. Extension of the conflict may embroil the major powers of the world in a destructive and brutal confrontation that would shatter all hopes of world peace.

"Premier Ky's statements dramatize the necessity for the American government to redirect its energies more forcefully in pursuit of a peaceful political settlement of the war. The spiral of escalation now being advocated by General Ky must be opposed and new initiatives attempted for negotiated settlement. The United States should use its great influence to assure that fair and free elections open to all parties will be held in the South so that a truly representative civilian government may be established. The granting of political rights to all would offer a peaceful alternative to those who now pursue the path of armed rebellion."

DEMOCRATS

JOSEPH P. ADDABBO, JOHN A. BLATNIK, JONATHAN B. BINGHAM, GEORGE E. BROWN, JR., PHILLIP BURTON, RONALD BROOKS CAMERON, JEFFERY COHELAN, JOHN CONYERS, JR., CHARLES C. DIGGS, JR., JOHN DOW,

KEN W. DYAL, DON EDWARDS, LEONARD FARBSTEIN, DONALD FRASER, JACOB H. GILBERT, BERNARD F. GRABOWSKI, HENRY B. GONZALEZ, AUGUSTUS HAWKINS, KEN HECHLER, HENRY HELSTOSKI,

ROBERT W. KASTENMEIER, ROBERT LEGGETT, JOHN C. MACKIE, SPARK M. MATSUNAGA, RICHARD D. MCCARTHY, PATSY T. MINK, WILLIAM S. MOORHEAD, ROBERT N. C. NIX, BARRATT O'HARA, EDWARD J. PATTEN,

THOMAS REES, JOSEPH Y. RESNICK, HENRY S. REUSS, BENJAMIN S. ROSENTHAL, EDWARD ROYBAL, WILLIAM F. RYAN, JAMES H. SCHEUER, JOHN R. SCHMIDHAUSER, WILLIAM L. ST. ONGE, HERBERT TENZER, PAUL H. TODD, JR.,

LIONEL VAN DEERLIN, WESTON VIVIAN, JEROME R. WALDIE, LESTER WOLFF, SIDNEY R. YATES.

REPUBLICANS

SEYMOUR HALPERN, THEODORE R. KUPFERMAN, OGDEN R. REID.

Introduction of Legislation To Establish the Sheep Mountain National Monument

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EXTENSION OF REMARKS

OF

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1966

Mr. RONCALIO. Mr. Speaker, northwestern Wyoming contains a complex of physiographic features of exceptional scenic and recreational value, some of which are of great scientific interest. Here, in the middle Rocky Mountain province of the Rocky Mountain physiographic division, Sheep Mountain lies in the depression of the Bighorn Basin surrounded by mountains and plateaus.

Sheep Mountain is an impressive sight, rising some 1,000 feet above the immediately surrounding and relatively low-lying country. The sides of the mountain reveal successive layers of multicolored rock, beginning at the bottom with a gray limestone of Mississippian Age, continuing with bright red sandstone of the Triassic period through green and yellow shales of the Jurassic, and ending in rather dark and drab Cretaceous sediments. The Bighorn River, as it flows northward through the Bighorn Basin, has cut a deep canyon directly across Sheep Mountain. This deep, narrow canyon provides a natural trench or cross section across the mountain in which one may view the structure of the rocks.

The structure of the mountain as clearly shown in the canyon is that of a relatively large upfold of bedded sedimentary rocks. The upfold, or anticline, is convex upward and both limbs or sides of the fold dip away from one another in opposite directions. Walking through the canyon, one can readily trace individual strata or beds from one side of the fold to the other. This anticline, which can be so easily traced both at the surface and in cross section at the canyon, represents one of the principal types of structures formed during mountain-building movements, which add to the construction of the landscape.

Equally obvious in the vicinity of Sheep Mountain are the results of erosion which, through the action of wind and water, cause destruction of the landscape of the fold on the sides of the mountain. observe that sedimentary rock layers, which once were continuous over the fold, have been worn away and only their truncated beds are found on each limb of the fold on the sides of the mountain. The mountain owes its topographic expression to a very resistant sequence of beds which are now exposed over most of the crest of the fold. Erosive forces active even today can be seen at work destroying this fold which was formed millions of years ago.

Numerous heart-shaped patches are cut through the resistant beds on the mountain and mark the sites of intermittent streams which during flash storms carry water and cut ever deeper into the core of the fold, exposing older rocks to erosion. Gravity, along with water runoff, causes the endless downward movement of rock fragments and particles to the flanks of the fold. The Bighorn River, while cutting the canyon ever deeper across the fold, carries off particles and fragments that have moved downslope from the mountain itself. All these processes of destruction act very slowly, but they have greatly reduced the original size of the fold over the millions of years since its formation.

Sheep Mountain thus represents an unusual exposure of a breached, topographically expressed anticline where the results of both the constructive and destructive forces that shape the face of the earth can be easily observed. This area presents such excellent possibilities for depicting many significant geologic processes that Sheep Mountain has been cited in Life magazine in the series "The World We Live In" and in college historical geology textbooks. The area has been mapped, geologically, by the U.S. Geological Survey. In addition, Sheep Mountain has been visited by numerous oil company geologists making detailed stratigraphic studies and by students from many universities across the country in connection with summer field studies.

Today, Mr. Speaker, it is my pleasure to introduce legislation designed to establish Sheep Mountain as a National Monument in the State of Wyoming.

This proposed legislation would preserve this site for the benefit and enjoyment of present and future generations and would provide another link in this historic and scenic chain of Teton National Park, Yellowstone National Park, Bighorn National Recreation Area, Custers Battlefield National Monument, Devils Tower National Monument, the Black Hills, and Mount Rushmore.

Praise for Delta Air Lines

EXTENSION OF REMARKS

OF

HON. CHARLES L. WELTNER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1966

Mr. WELTNER. Mr. Speaker, a great many Members have had a great deal to say about the airlines strike—most of it critical. Certainly, the long stoppage has disrupted many plans. Yet, the inconvenience to the traveling public would be immeasurably worse were it not for the splendid service rendered by airlines still flying.

Principal among these, Mr. Speaker, is Delta Air Lines, based in Atlanta, Ga.

Mr. C. E. Woolman, board chairman of Delta, likes to refer to his organization as "a country airline." Perhaps Delta began that way but today it is a major carrier, spanning the continent from South to North, and from East to West.

During the strike, Delta has borne a particularly heavy burden. The only major carrier operation from the air hub of the South, the entire organization has worked feverishly—and with remarkable efficiency to handle the inordinate demand of the public.

Thus, amid all the censure, I wish to add a word of praise for Delta Air Lines, of Atlanta, whose performance and service during these trying times is in the highest and best tradition of a great industry.

Import Quotas on Lead and Zinc

EXTENSION OF REMARKS
OF
HON. AL ULLMAN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 2, 1966

Mr. ULLMAN. Mr. Speaker, I am pleased to join with our colleague from Colorado, the chairman of the Interior and Insular Affairs Committee, in introducing new legislation to establish a formula for reasonable import quotas on lead and zinc into the United States.

I believe it is in the interest of the United States to promote stability in the supply of these minerals—so important to our industrial economy. This stability can only be achieved through congressional recognition of the requirements of domestic producers as well as foreign suppliers. The proposed legislation provides the balance between the two sources that will assure a continued supply of lead and zinc to American industry at reasonable prices.